



City of Kingston Kingston Common Council
Meeting Agenda
Tuesday, February 6, 2018

COMMON COUNCIL CHAMBERS, CITY HALL, 420 BROADWAY KINGSTON, NY

A CALL TO ORDER

B PLEDGE OF ALLEGIANCE TO THE FLAG

C MOMENT OF SILENCE

D ROLL CALL

E DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING AND APPROVE SAME AS PREPARED AND FILED BY THE CITY CLERK.

F DISPENSE WITH THE READING OF THE GENERAL BILLS

G MAJORITY LEADER STATE OF THE CITY SPEECH

H PUBLIC SPEAKING - *A Maximum of 30 Minutes is Allotted for this Purpose*

I CLAIMS -

#18-02 - Auto Damage

#18-03 - Auto Damage

#18-04 - Auto Damage

#18-05 - Auto Damage

#18-06 - Auto Damage

#18-07 - Auto Damage

#18-08 - Auto Damage

#18-09 - Auto Damage

#18-10 - Personal Injury

J COMMUNICATIONS

J.1. Daniel Baker, Assessor Re: Budget Modification (Assessor's Office)

Suggested Action: Transfer \$2,500 from A11355.411 to A11355.205
[Committee Report Transfer Assessor.pdf](#)

J.2. Julie Noble Re: Transfer of Grant Funds

[20180202111129.pdf](#)
[Request to President Noble to transfer funds for 2018 grants.pdf](#)

J.3. Emily Flynn, Director of Health and Wellness Re: 2018 Budget Transfer
[HealthWellness-2018-BudgetTransfer-Letter-signed.pdf](#)

J.4. John Tuey, Comptroller Re: Telecommunications Audit Request

[Agreement Template - City of Kingston.doc](#)
[Committee Report.pdf](#)
[Telephone Billing Memo.docx](#)

- J.5. Mayor Noble Re: KPFFA MOA
Suggested Action: Refer this matter to the Council's Finance Committee for review and consideration
[Communication- KPFFA MOA 2-1-18.pdf](#)
[KPFFA MOA.pdf](#)
- J.6. Ralph Swenson, Engineer Re:Westbrook Lane Storm sewer Improvements
Suggested Action: Authorize funding in the amount of \$235,000.
Authorize Mayor to enter into contract with lowest responsible Bidder
[Noble_Westbrook Lane storm Sewer Funding Request_011818.pdf](#)
[Kingston Plaza Drainage at Herzog_080315.pdf](#)
[Westbrook Lane Storm Sewer Alignment.pdf](#)
[CK171.Preliminary Cost Estimate.pdf](#)
- J.7. Mayor Noble Re:N. Front Street Loading Zone
[Communication- N Front St Loading Zone 1-25-18.pdf](#)
[Loading Zone Proposal Senate Garage 1-10-18.pptx](#)
- J.8. J. Tuey, Comptroller Re: Parking Ticket Collection Policy and Related Matters
[Parking Communication.pdf](#)
[Parking Ticket Collection Policy.docx](#)
[Complus 2017.pdf](#)
[Complus Addendum.pdf](#)
[Complus_Kingston NY_Addendum_1.23.2017 v2.doc.pdf](#)
[Company Overview.docx](#)
[COLLECTION PROCEDURES.docx](#)
[City of Kingston Boot and Tow Law.pdf](#)
[Capital Recovery.pdf](#)
[AGEING-AR.pdf](#)
- J.9. Brian Woltman, Purchasing Asst. Re: 2018 Procurement Policy
[2018 Procurement Policy and Procedures Manual.pdf](#)
- J.10. Alderman O'Reilly Re: Motion to Reconsider
[20180206110129.pdf](#)
- J.11. Carly Winnie, City Clerk Re: Common Council Audio System Repair/Upgrade
[Audio System Request.pdf](#)

K DISPENSE WITH THE SECOND READING OF THE GENERAL BILLS AND PAY SAME

L REPORT OF THE COMMITTEES

- L.1. Draft Legislation
[February 2018 Legislation.pdf](#)

M ADJOURNMENT

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT _____	Assessor _____	DATE _____
Description: <u>Transfer \$2,500 from A11355.411 to A11355.205</u>		

Estimated Financial Impact <u>0</u> Signature _____		

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION * _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT City Clerk DATE 1/30/18

Description: Transfer funds in the Building Maintenance Budget for carryover of unspent grant monies from the NYSERDA

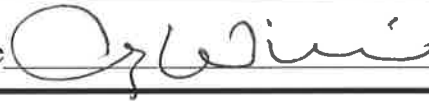
Clean Energy Communities grant project "City Hall Energy Efficiency Upgrades" in the amount
of \$100,000. Reimbursement will come from funding provided by a NYSERDA grant for
\$100,000, and there is no required match.

FROM General Account # A1620.43389 NYS Grant \$100,000

TO General Account # A1620.5301 Contracted Services \$100,000

Estimated Financial Impact \$0

Signature



Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman	☐	☐
Reynolds Scott-Childress Ward 3	☐	☐
Anthony Davis, Ward 6	☐	☐
Patrick O'Reilly, Ward 7	☐	☐
Steven Schabot, Ward 8	☐	☐

City of Kingston
Parks and Recreation Department
kgilfeather@kingston-ny.gov

Steven T. Noble, Mayor



Kevin D. Gilfeather, Superintendent

January 30, 2018

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
420 Broadway
Kingston, NY 12401

Re: -1) Budget Modification for the NYSDEC HREP 2015 Open Space Plan Grant
 - 2) Budget Modification for the NYSERDA Clean Energy Communities Grant
 - 3) Budget Modification for three NYSDEC 2016 Zero Emission Vehicle (ZEV) Clean Vehicle Infrastructure Grants
 - 4) Budget Modification for the NYSDEC HREP 2015 Natural Resources Inventory Project
 - 5) Authorization to Expend Funds and Budget Modification for NYSDEC Kingston Point Beach ADA
 Improvements Grant

Dear President Noble:

This is a request for placement on the agenda of the next appropriate Committee, expected to be the Finance and Audit Committee, to discuss the authorization of resolutions for budget modifications for seven grants and authorization to expend funds for one grant awarded to the City. The information for each is as follows:

1) A grant was awarded to the City of Kingston by the NYSDEC for an Open Space Plan for the City of Kingston which is for \$24,500 with a local match of \$10,700. This grant was awarded in 2016 and no monies were expended as of 2017. The request is to transfer unspent funds in the full amount of \$21,500. The remaining \$3,000 in grant funding will be received for administrative salaries already budgeted for and no budget transfer is being requested for this amount.

2) A grant was awarded to the City of Kingston by NYSERDA for their Clean Energy Communities Grant which is for \$100,000 with no local match required, to be spent on funding the installation of window insets to improve energy efficiency in City Hall as well as the retrofit of City Hall lighting to LED. This grant was awarded in 2017 and no monies were expended in 2017. The request is to transfer unspent funds in the full amount of \$100,000.

City of Kingston
Parks and Recreation Department
kgilfeather@kingston-ny.gov

Steven T. Noble, Mayor



Kevin D. Gilfeather, Superintendent

3) Three grants were awarded to the City of Kingston by the NYSDEC for their 2016 Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Grant. These three grants each total \$15,990.38 with the local match provided for with in-kind staff time and equipment. The total of these three grants, which will result in Electric Vehicle Infrastructure installations in three City parking lots (Dock Street, Cornell Street and Lower Broadway) total \$47,971.14. The request is to transfer unspent funds in the amount of \$45,121.14. \$2850 in grant funding will be received for administrative salaries already budgeted for and no budget transfer is requested for this amount. All three grants are being presented as one budget modification.

4) A grant was awarded to the City of Kingston by the NYSDEC for Natural Resources Inventory for the City of Kingston which is for \$22,000 with a local match of \$3,897.50. This grant was awarded in 2015 and is ongoing. The request is to transfer unspent funds in the amount of \$8,290.56. The required match of \$3,897.50 has already been met with in-kind donations. The remainder of the grant funds \$12,709.44 were invoiced and paid to the consultant in 2017.

5) A grant was awarded to the City of Kingston by the NYSDEC for Kingston Point Beach ADA Accessibility Improvements. The grant project amount is \$45,820. Reimbursement will come from funding provided by the grant for \$45,820 and the required match funding of \$6,931.50 will come from in-kind donations and staff time. The request is for a budget modification for the full amount of \$45,820.00. Additionally, I am requesting a resolution to expend the funds in the first instance.

Thank you for your consideration.

Sincerely,

Julie L. Noble
Environmental Education and Sustainability Coordinator

CITY OF KINGSTON
Department of Health and Wellness
eflynn@kingston-ny.gov

Emily Flynn, Director



Steven T. Noble, Mayor

February 1, 2018

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

Re: Health and Wellness Budget Transfer

Dear President Noble,

The Health and Wellness Department respectfully requests an internal 2018 budgetary transfer. After speaking with the Mayor, I would like move \$4,337 from the A1 4010.S472 Contacted Services line to the A1 4010.S112 Part Time Employees line and \$308 also from the Contracted Services line to the A1 4010.S811 Social Security line.

The contracted services line in the Health and Wellness budget was intended to implement the Live Well Kingston Communications Plan. The Director of Health and Wellness has the skills to do much of the scope of work anticipated to be contracted out for communications and has a professional background in marketing, communications and graphic design. By increasing her hours at \$21.86/hour it will be more cost effective to have her work more hours on communications than it would be to hire out the services to a marketing company which will charge upwards of \$50/hour.

The Health and Wellness budget currently has \$19,897 for part-time employees and \$25,000 for contracted services. This would change to \$23,927 for part-time employees and \$20,663 for Contracted services and Social Security would be increased to 1,830. There is no financial impact from these transfers.

Please refer this matter to the appropriate Common Council Committee for further discussion and recommendation.

Respectfully Submitted,

Emily Flynn

Director of Health and Wellness

CC: Steven T. Noble, Mayor
Douglas Koop, Chair, Finance Committee
John Tuey, Comptroller

SpyGlass Snapshot Audit Agreement

This agreement, effective as of the later of the dates of signature below ("Effective Date"), is between **City of Kingston** ("Company"), and The SpyGlass Group, LLC, an Ohio limited liability company ("Auditor").

1. Primary Audit Services. Company is engaging Auditor as an independent contractor to analyze its primary telecommunications service accounts (local voice, long distance voice, data, Internet, and wireless) to seek cost recovery, service elimination and cost reduction recommendations. Auditor will deliver the recommendations to Company, implement recommendations that Company elects for Auditor to implement, and deliver a complete telecommunications inventory to Company.

While Auditor is performing its analysis, Company will not make changes or perform internal cost reduction analysis with respect to provider accounts which Company has included within the scope of Auditor's review.

2. Fees. Company will pay Auditor the applicable fee set forth below ONLY for Auditor recommendations implemented within twelve (12) months of Auditor delivering the recommendation to Company:

- 40% of any "Cost Recovery", as defined below
- 12 times any "Service Elimination Savings", as defined below
- 12 times any "Cost Reduction Savings", as defined below

"Cost Recovery" is any refund, credit or compensation received by Company relating to past services or charges.

"Service Elimination Savings" is any monthly cost reduction received by Company relating to cancellation of any service, including monthly usage cost reduction (calculated as the average of the last 2 months of usage costs associated with the cancelled service).

"Cost Reduction Savings" is any monthly cost reduction received by Company relating to the modification, consolidation or negotiation of any service, account or contract, including post discount usage rate improvement (calculated as the (a) decrease in post discount per unit pricing realized by Company for any service, times (b) the average of Company's last two (2) months usage levels measured in such units for the modified service).

3. Invoicing and Payment. Fees for Cost Recovery are due as a one-time payment within 10 days of verification that Company has been issued the refund, credit or compensation resulting in such fees. Fees for Service Elimination Savings and Cost Reduction Savings are due as a one-time payment within 10 days of verification that the cancellation or other activity resulting in the Service Elimination Savings or Cost Reduction Savings has been completed. Auditor may issue separate invoices as different fees are earned.

4. Miscellaneous. This agreement is governed by the laws of the State of New York, without regard to principles of conflicts of law, and may be executed by facsimile and simultaneously in multiple counterparts. Company agrees that Auditor does not warranty the overall performance, Company satisfaction, or data accuracy of any telecommunications related carrier, provider, software manufacturer or vendor at any time whatsoever during or after the term of this agreement. Each person signing this agreement on behalf of a party represents that he or she has been duly authorized to sign this agreement and to bind the party on whose behalf this agreement is being signed by that signatory. AUDITOR SHALL NOT BE LIABLE TO THE COMPANY FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS OR BUSINESS INTERRUPTION, WHETHER SUCH LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT OR OTHERWISE, EVEN IF EITHER PARTY HAS BEEN WARNED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE IN ADVANCE. IN ADDITION, IN NO EVENT SHALL AUDITOR'S LIABILITY TO COMPANY EXCEED THE FEES ACTUALLY PAID BY COMPANY TO AUDITOR.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the Effective Date.

COMPANY

City of Kingston

Signature: _____

Print Name: _____

Date: _____

AUDITOR

The SpyGlass Group, LLC

Signature: _____

Print Name: Edward M. DeAngelo

Date: _____

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION x _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT Comptroller DATE 2/2/18

Description: Request authorization from the Common Council to enter into a contract with
the Spyglass Group, LLC to perform a no-risk telecommunications audit as per the attached
agreement.

Estimated Financial Impact \$0 Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman	☐	☐
Reynolds Scott-Childress Ward 3	☐	☐
Anthony Davis, Ward 6	☐	☐
Patrick O'Reilly, Ward 7	☐	☐
Steven Schabot, Ward 8	☐	☐

City of Kingston

New York 12402

Office of The Comptroller



CPO Box 1627
City Hall, 420 Broadway

Telephone:(845) 331-0080
Fax:(845) 334-3944

February 2, 2018

Alderman at Large James Noble
City of Kingston Common Council
420 Broadway
Kingston, NY 12401

RE: Telephone Billing Review

Dear Alderman at Large Noble,

Periodically, the City has engaged with independent firms to perform “no-risk” telephone billing reviews. As it has been several years since the City last conducted such a review, I would like to request that the Common Council authorize me to engage the Spyglass Group, LLC to perform these services. Their fees, which are contingent upon the City receiving actual savings, are commensurate with the industry. The Spyglass Group specializes in telephone billing audits and has governmental clients throughout the country.

Sincerely,

John R. Tuey
Comptroller, City of Kingston

cc: Mayor Steven T. Noble

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



February 1, 2018

Honorable James Noble, President
City of Kingston Common Council
420 Broadway
Kingston, N.Y. 12401

Dear President Noble,

As you are well aware, all three union contracts expired on December 31, 2016. I am pleased to inform you that we have arrived at a tentative three-year agreement with the Kingston Professional Fire Fighters Association (KPFFA), which covers the time period of January 1, 2017 through December 31, 2019. This agreement reflects the extensive and productive discussions with the negotiating committee of the KPFFA. I believe that the Memorandum of Agreement herein enclosed is appropriate and fair for both parties. I appreciate that the members of the KPFFA continue to contribute 10% (up to a \$3,000) towards the cost of their health insurance, the highest contribution among all active employees.

I respectfully request that you refer this matter to the Council's Finance Committee for review and consideration. My staff will be able to attend the February Finance Committee meeting to respond to any additional questions regarding this agreement.

Thank you for your consideration.

Respectfully Submitted,

Steve Noble
Mayor

Memorandum of Agreement ("Agreement"), made and entered into this ___ day of January 2018, by and between the negotiating committees for City of Kingston (the "City") and the Kingston Professional Fire Fighters Association, Local 461, IAFF, AFL-CIO ("the KPFFA").

WHEREAS, the parties have engaged in negotiations in good faith in an effort to arrive at a successor agreement to the collective bargaining agreement ("CBA") that covers the period January 1, 2012 – December 31, 2016; and

WHEREAS, the parties have arrived at a tentative agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby stipulate and agree as follows:

1. The provisions of this Agreement are subject to ratification by the KPFFA's membership and ratification by the City's Common Council.
2. The signatories below each individually, and collectively, agree to recommend this Agreement for ratification/approval.
3. A copy of this original document has been furnished to representatives of the City and the KPFFA.
4. All proposals not covered herein made by either party during the course of negotiations shall be deemed dropped.
5. The provisions of the CBA shall be carried forward except as modified below.
6. Duration (Article XI): three (3) years commencing January 1, 2017 through December 31, 2019.
7. Salary (Article XV).
Effective January 1, 2017, all salaries of all bargaining unit members shall be increased by 2%.
Effective January 1, 2018, all salaries of all bargaining unit members shall be increased by 2%.

Effective January 1, 2019, all salaries of all bargaining unit members shall be increased by 2%. The 2017 and 2018 salary increases are retroactive and shall be paid within sixty (60) days of ratification of the Agreement by the parties.

8. Amend Article XII Bereavement Leave to provide for two 24 hour shifts for death of an immediate family member and one 24 shift off for non-immediate family members. An immediate family member shall include a spouse, domestic partner, child, adopted child, parent, grandparent, grandchild or sibling.

9. Amend Article V, Section 2 (a) adding the following sentence: "Shift employees shall be given the option to pick vacation on the 1st pick without losing any earned accrued vacation time."

For The City



Steven T. Noble

Mayor

Dated: 1/25/18

For The KPFFA



Bryan Cagudo

PRESIDENT KPFFA

Dated: 1/25/18

CITY OF KINGSTON
Office of the City Engineer
rswenson@kingston-ny.gov



Ralph E. Swenson, P.E., City Engineer

Steven T. Noble, Mayor

January 18, 2018

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: Westbrook Lane Storm Sewer
Herzog Drainage

Dear President Noble:

The periodic flooding of the Herzog Lumber Yard adjacent to the Kingston Plaza has been an ongoing problem for some time. The Westbrook Lane Storm Sewer follows the back property line of the Herzog Property before connecting to the storm sewer crossing the Kingston Plaza and eventually discharging to the Esopus Creek through the flood control facility.

The City of Kingston entered into discussions with the Herzog Supply Company to provide for the maintenance and/or replacement of the storm sewer in question on July 30, 2015; see attached letter memorializing said conversation.

A completed design and preliminary construction cost estimate for the referenced drainage improvements has been received from Brinnier & Larios, P.C. The estimated construction cost for the Westbrook Lane Storm Sewer Replacement Project is \$235,000.

Please forward to the appropriate Common Council Committee for further discussion and recommendation.

Respectfully Submitted,

Ralph Swenson
City Engineer

Cc: Steven T. Noble, Mayor
Douglas Koop, Chairman, Finance and Audit Committee
John Tuey, Comptroller
Joe Chenier, Superintendent of Public Works
Kevin Bryant, Corporation Counsel

COOK, NETTER, CLOONAN, KURTZ & MURPHY, P.C.

ATTORNEYS & COUNSELORS AT LAW

85 MAIN STREET

P.O. BOX 3939

KINGSTON, N.Y. 12402

(845) 331-0702

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www.cookfirm.com

ROBERT D. COOK
ERIC M. KURTZ
THOMAS A. MURPHY
MICHAEL T. COOK

KOSTAS D. LERIS

OF COUNSEL:
ROBERT E. NETTER
WILLIAM N. CLOONAN

ANDREW J. COOK, SR. (1884-1958)
ANDREW J. COOK, JR. (1918-1997)
FRANCIS X. TUCKER (1923-1987)

August 3, 2015

Andrew Zweben, Corporation Counsel
City of Kingston
420 Broadway
Kingston, New York 12401

**Re: Herzog Supply Co., Inc./Road Dedication (Westbrook Lane) to City of Kingston
Herzog Supply Co., Inc./Granting of Easement to City of Kingston**

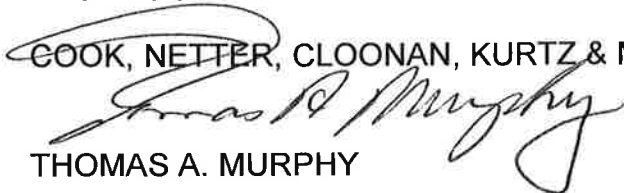
Dear Mr. Zweben:

This correspondence is to confirm our telephone conversation on July 30, 2015 regarding the City's timetable for the repair and/or replacement of the storm drain in connection with the above matter. As you know, Mr. Jordan is very concerned that if the storm drain is not repaired and/or replaced, the flooding condition will continue to worsen and possibly result in a sink hole which could be financially devastating to Herzog's and the City of Kingston. Please keep me advised of any new developments with respect to the installation of the new storm drain.

Once again, if you have any questions, please do not hesitate to contact the undersigned or Brad Jordan at the Kingston Plaza.

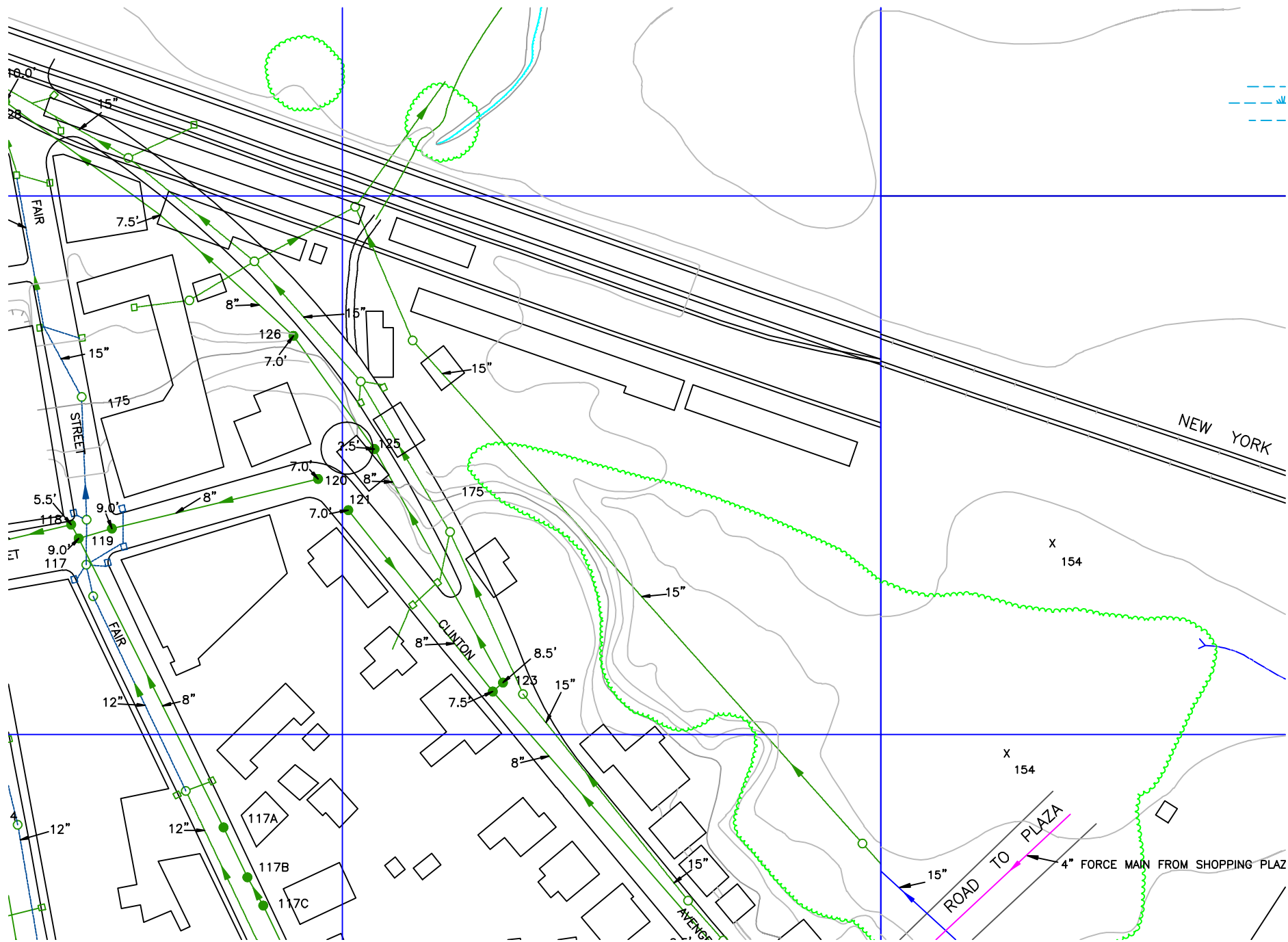
Your prompt attention to this matter is greatly appreciated.

Very truly yours,


COOK, NETTER, CLOONAN, KURTZ & MURPHY, P.C.
THOMAS A. MURPHY

TAM/tit

cc: Mr. Bradley Jordan/Herzog Supply Co., Inc. d/b/a Kingston Plaza
DPW Superintendent Michael Schupp
Mayor Shayne Gallo
Christopher Zell/Brinnier & Larios, P.C.
City of Kingston c/o Kingston City Clerk
Ralph Swenson, City of Kingston Engineer ✓



DENNIS M. LARIOS, P.E.
Lic. No. 58747

CHRISTOPHER J. ZELL, L.L.S.
Lic. No. 49629

BRINNIER and LARIOS, P.C.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
67 MAIDEN LANE
KINGSTON, NEW YORK 12401
-
TELEPHONE (845) 338-7622
FAX (845) 338-7660

DESIGN
REPORTS
SUPERVISION
CONSULTING SERVICES

SUBDIVISIONS
TITLE SURVEYS
TOPOGRAPHIC SURVEYS

OPINION OF PROBABLE COST

**CONTRACT CK-171
STORM SEWER REPLACEMENT
VICINITY OF KINGSTON PLAZA
CITY OF KINGSTON, NY**

JANUARY 2018

<u>ITEM</u>	<u>ESTIMATED COST</u>
1. Site Preparation & Maintenance (Lump Sum)	\$5,000.00
2. Furnish & Install Stormwater Manholes: 4 @ \$4,000.00 Each	\$16,000.00
3. Furnish & Install 18 inch PVC Stormwater Pipe: 601 L.F @220/LF=	\$132,220.00
4. Furnish & Install RAILROAD CROSSING in Casing Pipe: Lump Sum	\$30,000.00
5. Subbase Replacement & New Subbase: 140 C.Y. @ \$50/CY	\$7,000.00
6. Pavement Replacement & New Pavement: 120 Tons @ \$110/Ton	<u>\$13,200.00</u>
Sub Total	\$213,490.00
Contingency 5%	<u>\$10,675.00</u>
TOTAL CONSTRUCTION	\$224,165.00
Engineering Design, Surveying & Bidding.....	\$16,550.00
Construction Supervision/Inspection Allowance	\$ 9,200.00
TOTAL PROJECT COST	\$249,915.00

Respectfully submitted,

BRINNIER AND LARIOS, P.C.

Dennis M. Larios, P.E.

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



January 25, 2018

Honorable James Noble, President
City of Kingston Common Council
420 Broadway
Kingston, N.Y. 12401

Dear President Noble,

Recently, it's been brought to my attention that vehicles are often parked in front of 3-5 N. Front Street, which is currently a "No Parking" zone. With no clear signage, drivers are not aware that parking is prohibited, which leads to an unsafe area, as drivers turn onto N. Front from Clinton Avenue.

I respectfully request for a loading zone to be established between 3-5 N. Front Street, with the appropriate pavement markings. I've attached an image of the loading zone proposal for you to review. This will help significantly with safety concerns and the overall traffic flow in that area.

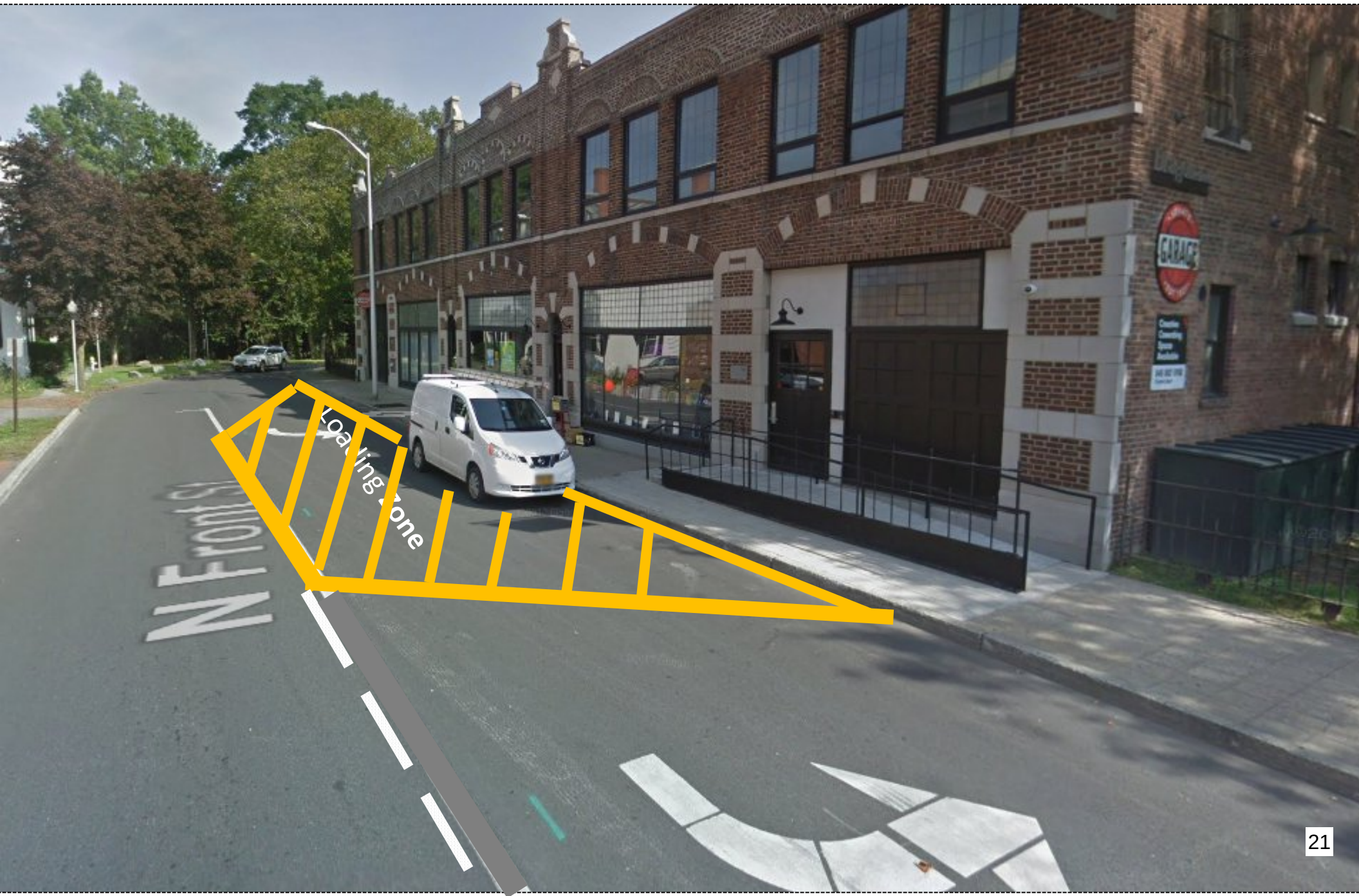
Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Noble", is written over a horizontal line.

Steve Noble
Mayor

STN:lbt





City of Kingston

New York 12402

Office of The Comptroller



CPO Box 1627
City Hall, 420 Broadway

Telephone: (845) 331-0080
Fax: (845) 334-3944

February 2, 2018

Alderman at Large James Noble
City of Kingston Common Council
420 Broadway
Kingston, NY 12401

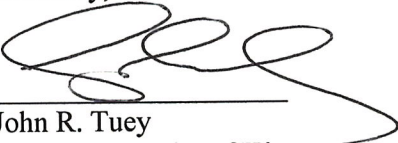
RE: Parking Policy and Collection Matters

Dear Alderman at Large Noble,

I would like to request the Common Council to consider the following parking related items at their next regularly scheduled Finance Committee Meeting.

- Parking Ticket Collection Policy – I recommend that the City adopt a formal parking ticket collection policy to comply with best practices. I've drafted the attached policy for the committee's consideration.
- Boot and Tow Law – I would like to recommend a subtle change in the City's Boot and Tow Law that would improve the usefulness of the legislation by linking it to the registered owner of a vehicle rather than the vehicle itself. Specifically, I request the Common Council consider amending paragraph A, Section 390.80 to read "The Chief of Police, Comptroller, or designee, hereby is authorized to provide for the immobilization of vehicles of a registered owner against which three or more parking summonses have been issued".
- Collections – The City currently sends four notices to parking violators, including a final notice. These efforts, along with the City's Boot and Tow Law and NYS DMV Scofflaw program, have been relatively effective in supporting the parking ticket collection rate but the City still has a significant accounts receivable. Our collection rate could potentially be improved by amending our contract with Complus (our parking service company) to implement a pilot program that would allow severely delinquent tickets to be referred to a third party collection agency. If the City were to implement a collection fee on tickets referred to collections, this program would have no cost to the City. I would like to discuss this opportunity further at the next Finance Committee meeting.

Sincerely,



John R. Tuey
Comptroller, City of Kingston

CITY OF KINGSTON

PARKING TICKET COLLECTION POLICY

1. Parking tickets issued by City of Kingston Parking Enforcement and/or Police Officers include an appearance date at City Hall and information on how to plead guilty or not-guilty.
2. If pleading guilty, the parking ticket may be paid by any of the three following methods:
 - A) By mailing a check or money order in the preaddressed envelope to P.O. Box 1627, Kingston NY 12402.
 - B) By appearing in person in the City Comptroller's Office and tendering payment by cash, check, or money order.
 - C) By paying online at www.parkingticketpayment.com/kingston.
3. Pleading not guilty requires contact with the Parking Violations Bureau in City Hall by the return date listed on the ticket.

Upon presentation of explanation and/or supporting documentation by the ticket recipient and/or the Parking Officer issuing the ticket, and where a determination is made that the ticket was issued in error, or when it is in the best interests of the City to recognize where a ticket should be reduced or dismissed in the interest of justice prior to appearing on the City Court calendar, the office of the Corporation Counsel may recommend to reduce, settle, or dismiss a parking ticket. In the situation where a ticket cannot be settled by the office of the Corporation Counsel, the recipient may protest the ticket in City Court.

4. The City Comptroller will periodically provide the Common Council with an aging report for Parking Tickets Accounts Receivable. In an effort to improve collections on delinquent parking tickets, the City will refer violators to a third party collection agency after a fourth and final notice has been mailed. Additionally, the City has implemented a boot and tow/scofflaw program to assist in collection efforts. The Common Council will provide direction to the City Comptroller if further collection efforts are deemed necessary.

AGREEMENT BY AND BETWEEN
CITY OF KINGSTON, NY (CLIENT)
AND
COMPLUS DATA INNOVATIONS, INC. (COMPLUS)
DATED: JANUARY 12, 2017

This Agreement (the "Agreement") is made and entered into this 12th day of January 2017 by and between Complus Data Innovations, Inc (COMPLUS), with offices at 560 White Plains Road, Tarrytown, New York 10591 and City of Kingston, NY (CLIENT), with offices at 420 Broadway, Kingston, NY 12401 for the processing of parking tickets using the **FastTrack™** Parking Ticket Management System (**FastTrack™**). The Terms and Conditions are as follows:

1. COMPLUS will provide all equipment/software listed on Schedule I, attached to this Agreement. CLIENT will promptly acknowledge, on the form attached as Exhibit A, receipt of all such equipment/software and that such equipment/software is in good working order. This equipment/software is for the sole purpose of providing access to **FastTrack™**, COMPLUS' password-protected application for the processing of parking tickets. The CLIENT acknowledges that this equipment/software is the property of COMPLUS and agrees to exercise reasonable care of said equipment/software while in its possession. Any, handhelds, phones or printers that become lost or stolen will be the sole responsibility of the CLIENT and will be billed to the CLIENT at the cost of \$4,500.00 per unit.
2. COMPLUS will be responsible for the maintenance and repairs of said equipment resulting from normal use. Repairs, which in the reasonable opinion of COMPLUS are required as a result of an accident, neglect, or misuse of the equipment (including without limitation a repair arising from or in connection with the use by CLIENT of software other than software provided by COMPLUS and/or use of the equipment for other than **FastTrack™** use) shall be made at the sole expense of the CLIENT. All expenses related to the repair or replacement of equipment which is required as the result of an accident, neglect, or misuse, will be billed to CLIENT. This includes, but is not limited to, the actual cost of the repair or replacement of said equipment, along with shipping expenses, travel expenses if required, and labor costs. Travel expenses, if required, must be pre-approved by CLIENT before repairs will be scheduled.
3. Repairs to equipment and/or reinstallation and/or modification of software which are required as a result of changes or modifications made by the CLIENT, shall be made at the sole expense of the CLIENT. This includes, but is not limited to the actual cost of the repair or replacement of said equipment, along with shipping expenses, travel expenses if required, and labor costs. These costs and expenses must be pre-approved by the CLIENT.
4. Additional services requested by the CLIENT that are not described in this Agreement must be submitted in writing by the CLIENT. COMPLUS will prepare a statement of work along

with a detailed cost estimate to be approved in writing by the CLIENT prior to the implementation of said changes or additions. This includes, but is not limited to, requests for additional equipment, installation of additional sessions, CLIENT requested software modifications and/ or relocation of equipment.

5. COMPLUS will provide CLIENT with remote access to **FastTrack™**, a Citrix-based application that is designed to process parking ticket information. Access time will be 22 hours per day, seven days a week. **FastTrack™** will be unavailable due to daily maintenance-from 2:00 a.m. until 2:30 a.m. Eastern Time. COMPLUS will not be responsible for any downtime arising in connection with the internet service provider, Utilities Company and/or the CLIENTS' internal network.
6. The CLIENT will be responsible for the entry of all handwritten parking tickets. The CLIENT will be responsible for all other functions including the updating and disposition of tickets. COMPLUS is not responsible for the validity of any information provided to it, including without limitation to the information on the tickets. The CLIENT will use COMPLUS as its exclusive provider for the processing of parking tickets.
7. COMPLUS agrees to maintain **FastTrack™** to conform in all material respects to all federal, state and local laws and regulations. COMPLUS certifies that in addition to nightly tape backups, its data center is mirrored off-site for disaster recovery purposes.
8. COMPLUS will furnish the CLIENT with digital copies of the following reports and mailings:
 - Year-to-Date Disposition of Tickets
 - Delinquent Notices for Outstanding Tickets for the State of NY and Out-of-State Residents
 - Final Delinquent Notices
 - Officer and PEO Performance Reports
 - Permit Reports
 - Audit Reports
 - Daily and Monthly Cash/Dismissal Reports
9. Programming and reporting requests (with the exception of reports outlined in #8 will be evaluated and a scope of work along with pricing and estimated schedule will be developed by COMPLUS for review by the CLIENT. Such requests include but are not limited to:
 - Custom report templates available to the CLIENT through the Real-time reporting utility.
 - Custom monthly and/or one-time reports developed and sent to the CLIENT by email or on monthly report CD
 - New or change request for mobile ticket writing program to be integrated with other vendors' databases, including pay stations, meters or pay-be-cell providers
 - Changes to the mobile ticket writing software once the implementation is complete.
 - Changes to the functionality of the **FastTrack™** ticket management System.

10. As requested by the CLIENT, COMPLUS will prepare all Delinquent Notices and Notice of Violations for outstanding tickets issued to vehicles bearing State of NY plates and Out-of-State plates (to the extent allowed by each State's DMV) to the last known registered owners(s). CLIENT will be responsible for postage of said notices. COMPLUS shall prepare and CLIENT shall approve any and all language contained in the notices that will be sent on behalf of CLIENT under this Agreement. State agency approval will also be obtained where applicable. Such notices shall comply with state rules and regulations in all material respects.
11. Throughout the term of this Agreement, COMPLUS agrees to provide training at CLIENT's offices for **FastTrack™**. COMPLUS will provide reference manuals describing the features and operations of **FastTrack™**. COMPLUS shall provide updates to the system as they become available. Throughout the term of this Agreement, assistance will be available from field supervisors and by telephone at no charge to the CLIENT during the hours of 8:30 AM to 5:00 PM EST, Monday through Friday (with the exception of all state and nationally recognized holidays).
12. The CLIENT agrees to indemnify and hold harmless COMPLUS, its officers, agents and employees, from any claims, controversies, lawsuits, liabilities or expenses incurred by or brought against COMPLUS by third parties in any way related to COMPLUS' service and/or this Agreement; except where said claims, controversies or lawsuits are the results of negligence, gross negligence or willful misconduct on the part of COMPLUS. This provision survives the termination of this Agreement.
13. COMPLUS agrees to indemnify and hold harmless the CLIENT, its officers, agents, and employees from claims, controversies, lawsuits, liabilities or expenses incurred by or brought against CLIENT by third parties in any way related to COMPLUS' gross negligence or willful misconduct in the performance of its services hereunder. This provision survives the termination of this Agreement.
14. The CLIENT agrees to the following fee schedule for the use of **FastTrack™**. Invoices will be submitted on a monthly basis, payable within thirty (30) days upon receipt.

FEE SCHEDULE:

- 9.7% of parking ticket revenue collected
- Reimbursement for postage on delinquent notices mailed by COMPLUS on behalf of the CLIENT
- Reimbursement for handheld ticket stock (if supplied by COMPLUS)
- \$2.00 per permit fulfilled by COMPLUS

Warning Tickets: In the event that the CLIENT elects to issue warning tickets, COMPLUS will bill the CLIENT \$1.45 for each issued warning ticket.

DMV Fees are paid for by COMPLUS. However, COMPLUS reserves the right to pass along to the CLIENT, and the CLIENT agrees to pay COMPLUS, any increases charged by the various Department of Motor Vehicle agencies to provide registered owner's names

and addresses after the first year of this contract.

Web-based Payments: COMPLUS' program allows internet-based access to **FastTrack™** for the purpose of allowing the CLIENT's violators to view and pay their parking tickets online via credit cards.

COMPLUS and its affiliates have developed and programmed **FastTrack™** and are solely responsible for its functionality, and to make any and all necessary changes to ensure it conforms to all federal, local and State of *[insert state of client locale]* laws and rules and regulations, as well as any and all banking rules and regulations that pertain to all forms of credit card payment, including VISA, MASTERCARD, and Discover.

Convenience Fee Schedule for Online Payments

\$3.50 per parking ticket/ code violation being paid online

\$1.50 per permit or 3.5% of permit price, whichever is greater, for each permit purchased online

The term "Convenience Fee" as referenced in this Agreement is a fee paid by the end user of the online payment service for parking ticket payment transactions.

COMPLUS may change this convenience fee schedule upon no less than thirty (30) days written notice to CLIENT, and CLIENT may terminate the credit card payment provisions of this Agreement if CLIENT notifies COMPLUS in writing prior to the effective date of such fee schedule change of its election to so terminate such provisions (which termination will be effective on such effective date).

COMPLUS will be the credit card merchant for these transactions and the CLIENT will only be responsible for the following:

- a. To allow chargebacks to be withdrawn from the account in the event a cardholder requests to have the transaction reversed according to credit card rules, regulations and timetables, and to allow for the chargeback fee to also be withdrawn from the account under the same rules, regulations and timetables. For chargeback transactions, any tickets that were paid for said transactions will be reinstated in **FastTrack™** and become subject to further collection efforts.]
- b. Funds will be deposited directly into CLIENT's account, less convenience fees, on a daily basis.

15. COMPLUS uses Parking Ticket Payment, LLC, for all online credit card processing. Parking Ticket Payment, LLC is a Level 1 Service Provider solely dedicated to providing a method to collect online payments for all of COMPLUS's clients, and accepts and assumes full responsibility for the security of cardholder data that is processed and transmitted through the PTP, LLC web sites, on CLIENT's behalf, and for maintaining all applicable PCI DSS

requirements.

16. The Term and Conditions of the Agreement will remain in effect for a period of THREE (3) years from the date (the "Effective Date") on which COMPLUS signs this Agreement. On the third anniversary of the Effective Date, and on each anniversary date thereafter, this Agreement will automatically renew for a one-year period upon the same terms and conditions. If either the CLIENT or COMPLUS does not wish for any such renewal, it must notify the other party in writing of its intention not to renew no later than ninety (90) days prior to any such anniversary date, in which case this Agreement shall terminate on such anniversary date. In the event of termination, CLIENT will return to COMPLUS within ten (10) days of the termination of the Agreement all handhelds and other equipment, peripherals, manuals and all other materials provided to CLIENT, all of which shall be returned to COMPLUS in good working order. In the event of termination, and providing that there are no outstanding invoices and the CLIENT has returned all equipment in good working order, the CLIENT will be provided at no cost with a computer database containing parking ticket information compiled for CLIENT during the term of the Agreement.
17. Each of COMPLUS and CLIENT agrees to comply with state and federal regulations regarding the confidentiality of information. Each of COMPLUS and CLIENT further agrees that, except as otherwise expressly provided herein, the information provided by the CLIENT and/or the DMV, including the names and addresses and associated information of persons and entities that have received tickets, shall remain confidential and shall not be sold or shared with any other non-party, company or entity for any purpose, including but not limited to marketing, sales, solicitations, collection agencies and/or credit bureaus. This paragraph shall survive termination of this Agreement.
18. COMPLUS is an independent contractor, and neither COMPLUS nor its staff shall be deemed to be employed by the CLIENT.
19. This Agreement and the rights and obligations of the parties and their successors and assigns hereunder shall be interpreted, construed, and enforced in accordance with the laws of the State of New York without regard to its choice and/or conflict of laws provisions. Any legal action resulting from, arising under, out of or in connection with, directly or indirectly, this Agreement shall be commenced exclusively in any New York State court located in Westchester County, New York. All parties to this Agreement hereby submit themselves to the jurisdiction of any such court, and agree that service of process on them in any such action, suit or proceeding may be effected by the means by which notices are to be given under this Agreement. In the event of litigation by a party hereto to enforce its rights hereunder, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and disbursements.
20. All notices, requests, demands and other communications required or permitted hereunder shall be in writing and shall be deemed to have been duly given if delivered by hand or mailed, express, certified or registered mail, return receipt requested, with postage prepaid, or sent priority next day delivery by a nationally recognized overnight courier service that regularly maintains records of items picked up and delivered to the parties at the addresses first set forth above or to such other person or address as a party shall notify the other in

writing. Notices delivered personally shall be deemed communicated as of the date of actual receipt, mailed notices shall be deemed communicated as of the date three (3) business days after mailing, and notices sent by courier shall be deemed communicated as of the date two (2) business days after pick-up.

21. CLIENT is a tax exempt entity under the rules of the Internal Revenue Service and will provide COMPLUS with a copy of its tax exempt status upon request.
22. Any claim that can be brought by the CLIENT under or relating to this Agreement must be brought within one (1) year of the action or omission underlying such claim. NEITHER PARTY SHALL BE LIABLE HEREUNDER FOR ANY INDIRECT, SPECIAL OR CONSEQUENTIAL LOSS OR DAMAGES (INCLUDING, BUT NOT LIMITED TO, LOST PROFITS OR LOST SAVINGS) EVEN IF THE OTHER PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. EXCEPT FOR INDEMNIFICATION OBLIGATIONS HEREUNDER, IN NO EVENT SHALL EITHER PARTY'S AGGREGATE LIABILITY FOR ANY MATTER ARISING OUT OF THE SUBJECT MATTER OF THIS AGREEMENT, WHETHER IN CONTRACT, TORT OR OTHERWISE, EXCEED THE AMOUNT OF THE FEES PAID TO COMPLUS UNDER THIS AGREEMENT. EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS AGREEMENT, THE REMEDIES PROVIDED HEREIN ARE THE PARTIES' SOLE AND EXCLUSIVE REMEDIES.
23. This instrument contains the entire agreement between the parties as to subject matter herein and supersedes all prior agreements whether oral or written between the parties hereto. This Agreement may be modified only by a written instrument signed by the parties.
24. This Agreement may be executed in counterparts each of which shall be deemed an original and all of which taken together shall constitute one and the same agreement. Delivery of an executed counterpart of this Agreement by facsimile shall be equally as effective as delivery of a manually executed counterpart of this Agreement.

The signing of the enclosed copy and returning to COMPLUS will indicate the CLIENT'S acceptance of this Agreement, and the Terms and Conditions contained therein.

Accepted by:

COMPLUS DATA INNOVATIONS, INC.

Name: Jeff G. Grossman

Title: President

Date: 01/19/2017

CITY OF KINGSTON, NY

Name: Steven T. Noble

Title: Mayor

Date: 1/18/17

SCHEDULE I
TO THE
AGREEMENT BY AND BETWEEN
CITY OF KINGSTON, NY (CLIENT)
AND
COMPLUS DATA INNOVATIONS, INC. (COMPLUS)

DATED: _____, 2017

The following equipment/software will be provided to the CLIENT for the sole purpose of providing access to **FastTrack™**.

- Four (4) N5 handheld ticket writers with docking cradles
- Six (6) licenses to **FastTrack™** software
- One (1) PC
- One (1) laser printer
- One (1) license to real-time reporting utility
- Integration with Parkeon kiosks and Parkeon pay-by-cell
- Four (4) data plans for N5 ticket writers Up to 2GB data per month per data plan.
Additional data beyond 2GB will be reimbursable by the CLIENT

ADDENDUM

THIS AGREEMENT CONSTITUTES AN AMENDMENT TO THE CONTRACT EFFECTIVE JANUARY 12, 2017 FOR PARKING ENFORCEMENT AND MANAGEMENT BY AND BETWEEN THE CITY OF KINGSTON, NY AND COMPLUS DATA INNOVATIONS, INC.

WHEREAS, pursuant to this addendum (this "Addendum") the parties wish to supplement the terms of the Agreement to include the additional terms set forth herein.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties' hereby supplement the Agreement as follows:

Agreement

1. COMPLUS agrees to be responsible for telephone calls and emails (inbound and outbound) related to CLIENT parking permits. COMPLUS will continue to provide fulfillment services for all parking permit requests received via the BuyMyPermit.com website and U.S. mail, which includes the return of applications that cannot be processed.
2. COMPLUS agrees to ensure permit records are maintained based on information provided by CLIENT and permit customers.
3. CLIENT agrees to the fee schedule of \$3.50 per permit issued for the services detailed above. Invoices will be submitted on a monthly basis, payable within thirty (30) days upon receipt.
4. CLIENT agrees that COMPLUS will be its exclusive provider for the processing and fulfillment of parking permits.

The signing of the enclosed copy and return to Complus Data Innovations, Inc. will indicate the City of Kingston, NY acceptance of this Addendum and the Terms and Conditions contained therein.

Accepted by:

COMPLUS DATA INNOVATIONS, INC.

Name: ARIEL KUNAR

Title: CEO

Date: 12.8.17

CITY OF KINGSTON, NY

Name: [Signature]

Title: Mayor

Date: 12/6/17

ADDENDUM

An agreement was made by and between COMPLUS DATA INNOVATIONS, INC. ("COMPLUS"), with offices at 120 WHITE PLAINS ROAD, TARRYTOWN, NY 10591 and the CITY OF KINGSTON, NY (CLIENT), with offices at 420 Broadway, Kingston, NY 12401 on the 12th day of January 2017 (hereinafter referred to as the "Agreement").

WHEREAS, pursuant to this addendum (this "Addendum") the parties wish to supplement the terms of the Agreement to include the additional terms set forth herein.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties' hereby supplement the Agreement as follows:

Agreement

1. COMPLUS agrees to assign any parking ticket that meets the following criteria to a secondary collections process, where permitted by the state DMV.
 - a. At least four delinquent violation notice(s) have been mailed on the ticket, including a Final Notice
 - b. 60 days have elapsed since the Final Notice and the ticket remains delinquent.

COMPLUS has contracted with Capital Recovery Systems, Inc. (Capital Recovery) for secondary collection processing. Capital Recovery shall engage in collection activities including, but not limited to, skip-tracing accounts, sending letters, and making calls to debtors on all accounts placed by COMPLUS into collections on behalf of CLIENT.

COMPLUS will also accept web payments for tickets in collection at www.parkingticketpayment.com/kingston.

Capital Recovery will utilize a call script pre-approved by CLIENT for outbound calls.

COMPLUS will bill CLIENT thirty-two point seven percent (32.7%) of parking ticket revenue collected on tickets sent to collections.

Under the terms of the COMPLUS Agreement with Capital Recovery, Capital Recovery has agreed to indemnify COMPLUS and its clients from any liability resulting from acts or omissions of Capital Recovery or any employees or agent of Capital Recovery.

CLIENT shall approval all language contained in the notices sent by Capital Recovery and all call script language.

If either CLIENT or COMPLUS does not wish to continue assigning parking tickets to secondary collections, such party must notify the other party in writing of its intention at any time during the duration of the Agreement.

The parties reaffirm no other terms or conditions of the Agreement not otherwise modified or amended shall not be negated or changed as a result of this Addendum.

The signing of the enclosed copy and return to Complus will indicate acceptance of this Addendum.

Accepted by:

COMPLUS DATA INNOVATIONS, INC. CITY OF KINGSTON, NY

Name: Ariel Kunar
Title: Chief Executive Officer
Date:

Name:
Title:
Date:



Company Overview

Capital Recovery Systems is an expert in collecting delinquent debts, with a unique specialization in collecting traffic fines, parking tickets, camera violations, utilities, and taxes. CRS has recovered **hundreds of millions of dollars** in delinquent debt for over 500 clients throughout the country, all while maintaining an **A+ rating from the Better Business Bureau**.

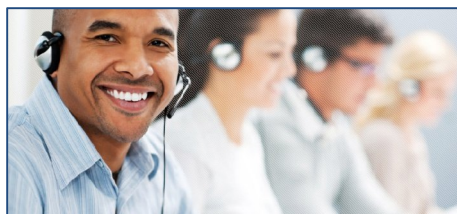
History

Capital Recovery Systems was founded in Ohio in 1997. We quickly found that local municipalities and counties were very under-serviced when it came to collecting debts delinquent debts, particularly when it came to vehicle-related violations. Over the years we tailored our services in order to maximize our recovery on behalf of our clients, with our own success coming as a byproduct. We have steadily expanded our services to **over 500 counties and municipalities** across the country since then, and constantly strive to find ways to add more value for our clients.

Our Approach

At Capital Recovery Systems, **our number one priority is to maintain our client's positive reputation**, while achieving maximum revenue recovery. Particularly when serving government clients, we are collecting debts from their constituents, and the good will between those debtors and the client *has to be preserved above anything else*. This necessity has driven us to create a unique and very effective approach to collecting that sets us apart from other agencies.

With most collection agencies, you have a group of individual collectors who earn commission on every debt that they are able to collect. When collectors are motivated too heavily by commission they will tend to use aggressive and manipulative tactics that can border on harassment, and even violate the law. It also creates issues with logistics and morale, where collectors fight over "account ownership". We know this to be the case, because like other collection agencies we struggled through it as a company for a number of years.



What we came to realize was that the vast majority (over 90%) of payments were coming from effective use of technology, rather than out-going calls from our collectors. Our skip-tracing, data scrubs, letters and automated dialer were generating payments, and many of the payments taken over the phone were prompted by letters or automated messages sent to the debtors. With that revelation came the decision to change our approach to one of customer service, and employ Customer Service Representatives, not collectors.

Now, all of our Customer Service Representatives are paid a higher wage and don't have to worry about commission. Our CSRs use specific phone scripts and have yearly training in customer service and FDCPA regulations. Instead of drama over "account ownership", we have a team of representatives that work together to recover revenue while being courteous and respectful.

The end result for our clients is tremendous: *We now receive only 1 complaint in every 18 million contacts we make*, which is a staggering statistic in the collections industry. Not only does it generate far fewer complaints, but it actually yields better revenue recovery. Our collection efforts are more successful than ever (*often tripling the industry average of 11.2% recovery on municipal debts*), and it is a rare event indeed when a client receives a complaint over the conduct of our staff. *We have essentially taken the focus off of the collectors earning commission, and put it back on the best interest of our clients, where it should be.*

Our Successful Outcomes

As mentioned earlier we have recovered hundreds of millions of dollars for our clients, working with clients of all sizes. Our approach to collecting allows us to treat all clients with the same amount of dedication, whether they are a large city like Toledo, Ohio, or a small village with very few annual cases. That level of service is why we have a client retention rate of over 90%, despite being a part of an industry with typically high client turnover.

We use an effective combination of skip-tracing, letter campaigns, automated calls, and calls by personnel to help collect your delinquent debts. We invest more time, money and effort into collecting than any of our competitors, which has allowed us to achieve an average recovery rate of 30.2%, nearly three times the national average of 11.2% in municipal collections (*according to a 2013 ACA International Collections Market Survey*).

Here are some examples to illustrate our success, including both small and large clients:

Client	Revenue Recovered	Recovery Rate
Lorain Municipal Court (OH)	\$7,388,044	73.50%
Gas City Court (IN)	\$1,586,679	58.67%
Toledo Municipal Court (OH)	\$17,178,351	37.75%
Newburgh Heights Mayors Court (OH)	\$150,829	62.29%
Beech City Court (IN)	\$673,932	44.29%
Amelia Village (OH)	\$141,256	82.32%

We have recovered over \$1,000,000 for more than 50 different clients.

Summary

In short, Capital Recovery Systems gives you the best of all worlds when it comes to a collection agency: the experience of a company with a vast client base, and the attention to customer service that you expect of a medium-sized company.

We hope you'll give us an opportunity to show you why our clients tend to stick with us, and how our recovery rates can help you improve your bottom line.

COLLECTION PROCEDURES

Hours of Operation: 8am – 7pm Monday through Friday

8am – 12pm Saturday

When you place accounts with CRS they are received by our Data Management Team, who will convert the files (as necessary) to fit into our database. **Our team can accept account placement files in any format that the court prefers.** The same day that the accounts are placed, we run a number of “Scrubs” on the accounts, which help us gather all the correct information on the defendants. These scrubs include:

- National Change of Address Database
- Address Element Correction,
- Scrubs that identify defendants who are deceased
- Scrubs that identify defendants who are a potential litigation risk. (These accounts are worked with the same diligence and effort, but it is better that the collectors know ahead of time that these defendants may be looking for any excuse to complain or sue. While we strive to be courteous and mindful of regulations with every communication, warning collectors of a potentially litigious defendant serves as a good reminder that the mishandling of any accounts can bring terrible consequences.)

We also check to see if the phone numbers we have are cell phone numbers or landlines, as cell phones require different protocol (you cannot use an automatic dialer on cell phones without prior consent).

Once the accounts are scrubbed, **any accounts that are flagged with a bad address are automatically Skip Traced**, and any new information found is returned to us the same day. If there is no new information on an account then we have one of our CSRs manually Skip Trace the account.

Once we have the most detailed and accurate information on the accounts, we assign a letter strategy. **The next day at 6:00 am, the first round of letters are sent out.** The letter strategy determines the type of letter that is sent out, as well as the interval at which following letters will be sent. We time this carefully to allow defendants adequate time to pay, while remaining vigilant in our collection attempts.



Any accounts that have a good phone number (either from the information sent by the Court or through one of our skip traces), **will be called by our dialer with an automated message (every 5 business days unless a contact is made and the schedule is changed accordingly).** Our messages inform the defendant of their debt and that it is now in collections, and they ask them to please return our call. **We also use daily calling campaigns where our collectors target specific defendants, such as those who broke a promise to pay by a certain date, or those who have paid debts with us in the past.** The automated dialer connects our CSRs immediately whenever a phone is answered

(with no gap in time where the defendant is left on the line like you will sometimes experience with telemarketers).

Once we have defendants on the phone, we give them what we call a “mini-Miranda”, where we let them know that we are collection agents working on behalf of the client, in an attempt to collect a debt. Our first approach is to attempt to collect the debt in full, encouraging them to use whatever means available to resolve the debt, while maintaining a customer-service style attitude. **We are never rude or aggressive, and treat defendants with dignity.** When paying in full is not an option, we offer to set up a payment plan with them, and let them know that they have a variety of options to ultimately resolve their debt.

Our first priority is to collect balances in full when possible. However, we can also set up payment plans with the debtor to help accommodate their financial needs. We encourage the debtors to pay as much as they can on a monthly basis in order to resolve the debt quickly (which will often mean the reinstatement of their driver’s license or release of a registration block with our given client base). We send out payment reminder letters 17 days before a payment is due to encourage debtors not to break their promises to pay.

Follow-up on Accounts

Once CRS has exhausted its initial collection efforts, we have a few more measures to make sure we are recovering the most out of each account. One such measure is our Tax Season Campaign:

Any accounts that are not paid within the time frame of the initial letter cycle will be eligible for a Tax Season Campaign letter for five years (meaning up to five additional collection notices each year). Between late December and late February we will re-skip trace these accounts and send them a letter encouraging them to “use any government refund they may receive to pay off their government obligations”. This campaign is very effective and has improved the recovery rate of all of our clients.

On top of the tax season campaign, we continue our efforts to collect the accounts using our automated dialer technology. Our two automated dialers allow us to make thousands of calls every day at a fraction of the cost of a normal phone call, meaning we can continue our attempts to contact debtors for years. With our services, there is no limit to the number of phone calls we make on an account, and we frequently re-skip trace accounts for better phone numbers if we have no luck with a given phone number over a long period.

Chapter 390. Vehicles and Traffic

Part 2. Traffic Regulations

Article XI. Immobilization, Removal and Storage of Vehicles

[Amended 8-1-2006 by L.L. No. 4-2006, approved 8-18-2006]

§ 390-79. Authority to impound vehicles.

When any vehicle is parked or abandoned on any street, highway or parking area within this City during a snowstorm, flood, fire or other public emergency which affects that portion of the public street, highway or parking area upon which said vehicle is parked or abandoned, or when any vehicle is found unattended on any street, highway or parking lot within the City where said vehicle constitutes an obstruction to traffic or when any vehicle is parked or abandoned on any street, highway or parking lot within this City where stopping, standing or parking is prohibited, said vehicle may be removed by or under the direction of the Police Department of the City of Kingston.

§ 390-79.1. Legislative findings; purpose.

- A. The Common Council of the City of Kingston finds that significant numbers of vehicle owners fail to respond to parking summonses issued for violations of parking orders, rules, regulations, ordinances and local laws; that a significant number of such owners are persistent violators; and that by reason of out-of-state registration of such vehicles, transfer of ownership and reregistration of such vehicles and other devices, violators frequently are able to evade existing enforcement measures.
- B. By reason of the foregoing, the Common Council of the City of Kingston finds that the health, welfare and safety will be served by adoption of a local law providing additional means of enforcing parking orders, rules, regulations, ordinances, and local laws in the case of vehicle owners who fail to timely respond to summonses issued for parking violations.
- C. The Common Council of the City of Kingston does hereby ordain and enact this article to accomplish the aforesaid purposes.

§ 390-80. Immobilization and impounding of vehicles authorized.

- A. The Chief of Police, Comptroller or designee hereby is authorized to provide for the immobilization of vehicles against which three or more parking summonses have been issued if

two or more of such summonses have not been answered within 45 days of the appearance date or dates shown on such summonses.

- B. Such vehicles may be immobilized and left where found, secured by the use of a steel lock or such other immobilization device as may be designated by the Chief of Police, Comptroller or designee.
- C. Such immobilization shall be at the expense of the owner of the vehicle.
- D. Any vehicle that has been immobilized and not lawfully released or lawfully removed by the owner of the vehicle for 72 hours from the time of such initial immobilization may be impounded by the Chief of Police, which removal, boot release fee and storage shall be at the expense of the owner of the vehicle.
- E. Storage and charges for storage and removal of vehicles for other than parking summonses shall be as provided in § 390-64.

§ 390-81. Notice and warning to owner.

- A. When an immobilization device is used, the Police Department, or its agents, or Parking Violations Bureau employees shall attach to the vehicle, in such form as may be directed by the Chief of Police, Comptroller or designee, a notice containing the following information:
 - (1) The location and identifying characteristics of the vehicle.
 - (2) The date and time of placement of the device and the signature of the installer.
 - (3) Notice that further parking restrictions will be waived during the immobilization period for a period of five days from the date of immobilization.
 - (4) Notice that any person tampering with the device or the vehicle will be subject to criminal prosecution and liable for any loss to the City.
 - (5) The steps which the owner must take to obtain the release of the vehicle.
 - (6) Such other information, statements, notices and warnings as the Chief of Police, Comptroller or designee may from time to time determine to be appropriate.
- B. Notice of removal of a vehicle and recovery of the vehicle by the owner for other than parking summonses shall be as provided in § 390-64.

§ 390-81.1. Tampering or attempted removal; penalties for offenses.

- A. No person shall attempt to or tamper with, deface, remove or destroy an immobilization device or move a vehicle immobilized as herein provided.
- B. A violation of this section shall be punishable by a fine not exceeding \$250 or by imprisonment for up to 10 days, or both.

§ 390-81.2. Vehicle release to owner.

- A. Any vehicle immobilized as herein provided shall be promptly released to its owner upon:

- (1) Payment of the expenses of immobilization which hereby are found to be \$40; and either
 - (2) An order of the City Court authorizing such release; or
 - (3) The owner furnishing security for appearance in City Court to answer parking summonses outstanding against such vehicle and the expense of immobilization.
- B. The amount of such security shall not exceed the total of the maximum fines permitted upon conviction of the offenses charged in outstanding summonses against the vehicle or the vehicle owner's failure to timely answer, plus the expense of immobilization.
- C. Any police officer on desk duty at the Kingston Police Station or Parking Enforcement Officer, or Parking Violation Bureau Employee(s) of the Comptroller's Office of the City of Kingston shall be authorized to establish a date for the vehicle owner's appearance in Kingston City Court to answer outstanding parking summonses, to determine the amount of security required and to accept same together with the expense of immobilization. In determining the amount of such security, consideration shall be given to the likelihood of the vehicle owner appearing in Kingston City Court to answer outstanding summonses and the number of outstanding summonses involved. Security payments shall be promptly transmitted to the Kingston City Court.
- D. While a vehicle is immobilized as herein provided, any parking restrictions of which such vehicle may be in violation, except as provided herein, shall be suspended as they apply to such vehicle for a period of three days from the initial date of immobilization.



Company Overview

Capital Recovery Systems is an expert in collecting delinquent debts, with a unique specialization in collecting traffic fines for courts and local municipalities. CRS has recovered over **\$180,000,000** in delinquent debt for over 350 local courts and municipalities throughout the country, all while maintaining an **A+ rating from the Better Business Bureau**.

History

Capital Recovery Systems was founded in Ohio in 1997 to work exclusively for government clients. We quickly found that local governments were very under-served when it came to collecting debts for courts, particularly traffic fines and court costs. We took on our first major court client in 2000 with Clark County Municipal Court in Ohio, and started to develop innovative methods and procedures to tailor our services specifically to collecting traffic fines. We have steadily expanded our services to **over 350 counties and municipalities** across the country since then, and constantly strive to find ways to add more value for our clients.

Our Approach

At Capital Recovery Systems, **our number one priority is to maintain our client's positive reputation**, while achieving maximum revenue recovery. We understand that when we serve government clients, we are collecting debts from their constituents, and that the good will between those debtors and the client *has to be preserved above anything else*. This necessity has driven us to create a unique and very effective approach to collecting that sets us apart from other agencies.

With most collection agencies, you have a group of individual collectors who earn commission on every debt that they are able to collect. When collectors are motivated too heavily by commission they will tend to use aggressive and manipulative tactics that can border on harassment, and even violate the law. It also creates issues with logistics and morale, where collectors fight over "account ownership". We know this to be the case, because like other collection agencies we struggled through it as a company for a number of years.



What we came to realize was that the vast majority (over 90%) of payments were coming from effective use of technology, rather than out-going calls from our collectors. Our skip-tracing, data scrubs, letters and automated dialer were generating payments, and many of the payments taken over the phone were prompted by letters or automated messages sent to the debtors. With that revelation came the decision to change our approach to one of customer service, and employ Customer Service Representatives, not collectors.

Now, all of our Customer Service Representatives are paid a higher wage and don't have to worry about commission. Our CSRs use specific phone scripts and have yearly training in customer service and FDCPA regulations. Instead of drama over "account ownership", we have a team of representatives that work together to recover revenue while being courteous and respectful.

The end result for our clients is tremendous: ***We now receive only 1 complaint in every 18 million contacts we make***, which is a staggering statistic in the collections industry. Not only does it generate far fewer complaints, but it actually yields better revenue recovery. Our collection efforts are more successful than ever (***often tripling the industry average of 11.2% recovery on municipal debts***), and it is a rare event indeed when a client receives a complaint over the conduct of our staff. ***We have essentially taken the focus off of the collectors earning commission, and put it back on the best interest of our clients, where it should be.***

Our Successful Outcomes

As mentioned earlier we have recovered over **\$180 million** for our clients, working with clients of all sizes. Our approach to collecting allows us to treat all clients with the same amount of dedication, whether they are a large city like Toledo, Ohio, or a small village with very few annual cases. That level of service is why we have clients who have stuck with us for many years, sometimes over a decade, despite being a part of an industry with typically high client turnover.

Here are some examples to illustrate our success, including both small and large clients:

Client	Revenue Recovered	Recovery Rate
Lorain Municipal Court (OH)	\$6,534,986	47.86%
Gas City Court (IN)	\$1,419,019	56.27%
Toledo Municipal Court (OH)	\$12,342,459	33.83%
Newburgh Heights Mayors Court (OH)	\$97,469	50.57%
New Haven City Court (IN)	\$90,847	34.24%
Amelia Village (OH)	\$119,899	68.24%

We have recovered **over \$1,000,000** for all of the following clients:

Barberton Municipal Court	Eaton Municipal Court	Montgomery County Courts
Berea Municipal Court	Fairfield County Court	Parma Municipal Court
Butler County Courts	Franklin County Municipal Court	Philadelphia Traffic Court
Cambridge Municipal Court	Gas City Court	Portage Municipal Courts
Canton Municipal Court	Hamilton County Clerk	Rocky River Municipal Court
Carmel City Court	Licking County Municipal Court	Shaker Heights Municipal Court
Citrus County Circuit County	Lorain Municipal Court	Sylvania Municipal Court
Clark County Municipal Court	Marietta Municipal Court	Toledo Municipal Court
Dayton Municipal Court	Marion County Clerk	Vandalia Municipal Court
Dayton Photo Speed	Miamisburg Municipal Court	Warren Municipal Court

Our Key Personnel

Craig Klein – General Manager and President

Craig founded CRS in 1997 and has been a collection industry leader for over three decades. Using his government experience, CRS has developed a niche in state and local government court collections. Craig is responsible for the overall management of collection activities, and ensuring all work is performed in compliance with local, state, and federal regulations.

Dennis Johnson – Vice President and Operations Manager

Dennis has been a part of CRS since the beginning. Dennis is a driving force of CRS and has developed new collection strategies for more than 350 court clients. He will oversee all aspects of the day-to-day operations and ensure that the contract is implemented according to the Southlake Municipal Court's requirements and expectations.

Phil Cornell – Director of Sales & Marketing

Phil has been involved in government collections for more than 25 years now. His expertise ranges from State Government Collections to Local Court Collections. Phil has been responsible for the addition of over 450 government clients since coming to CRS. His clients have placed more than \$600 million with CRS since 2004.

Debbie DiAlbert – Director of Operations

Debbie joined the CRS team in 2006 as a valued member of our administration team. Using her knowledge of customer service, human resources, and accounting practices, Debbie has helped establish standards and procedures to ensure quality and compliance in our company. Her efforts have empowered management and staff at CRS to work together for one common goal – to minimize complaints and maximize our collection efforts.

Marquette Slappy – Senior Collection Manager

Marquette has 16 years of court collections experience, 12 of which have been spent with Capital Recovery Systems. She will oversee the management of your portfolio. She started her career as an account representative for a major credit card company prior to her work in third-party government collections. Early in her career she was honored with the title of Collector of the Year. Marquette began as a unit manager and within two years had diligently worked her way into the Senior Collection Manager roll for CRS. As Senior Collection Manager, her duties include management of our entire portfolio as it relates to our account representatives. She also handles our client relationships as a start-up and continuing operations liaison.

John Cavanaugh – Director of Information Technology

John joined Capital Recovery Systems in 2009 and is responsible for a completely automated and customized process that keeps our systems up to speed with changing client demands. His attention to detail and his skill at working multiple projects with tight deadlines make him a major asset to the team. John is responsible for system maintenance and security, implementation of software, and ensuring the systems are operational 24/7.

Nancy Benedum – Data Management Supervisor

Nancy started working with CRS in June of 2005 and has over 25 years of experience with office automation systems. Nancy brings a high level of troubleshooting and problem-solving skills to the team. Nancy is responsible for the implementation and continued quality of your data.

Alex Gregory- Marketing Coordinator

Alex joined the CRS team in April 2013. Alex is responsible for outreach to both clients and prospective clients alike, as well as providing a broad perspective on various state and local markets. With a background in statistical analysis and research, he works on initiatives that enhance value to clients and improve client profitability.

John DiAlbert – Legal Compliance Manager

Prior to joining CRS full-time in 2010, John was an attorney with a family practice that had a close working relationship with CRS. Since coming on board, John has assumed the responsibility of making sure all of our actions and communications are compliant with FDCPA and TCPA regulations, as well as compliant with state and local laws regarding collections. We are proud to have John as our staff legal consultant, and benefit greatly from his knowledge of government and collection law.

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CITY OF KINGSTON PARKING TICKET

DATE 01/03/2018

A G I N G O F A C C O U N T S R E C E

I V A B L E

PENALTIES	AGE OF TICKETS PARTIAL PD/DISM	NUMBER OF TICKETS TOTAL VALUE	VALUE OF FINES	VALUE OF
	-----	-----	-----	
	0-30 DAYS	390	\$9,185.00	
\$3,630.00	\$.00	\$12,815.00		
	31-60 DAYS	326	\$7,755.00	
\$7,660.00	\$.00	\$15,415.00		
	61-90 DAYS	123	\$2,950.00	
\$2,955.00	\$20.00	\$5,885.00		
	91-180 DAYS	408	\$9,745.00	
\$9,745.00	\$220.00	\$19,270.00		
	181-365 DAYS	1,078	\$35,220.00	
\$24,520.00	\$805.00	\$58,935.00		
	OVER 1 YEAR	2,387	\$53,590.00	
\$48,620.00	\$460.00	\$101,750.00		
	OVER 2 YEARS	2,031	\$49,080.00	
\$41,365.00	\$780.00	\$89,665.00		
	OVER 3 YEARS	2,013	\$49,620.00	
\$41,150.00	\$590.00	\$90,180.00		
	OVER 4 YEARS	972	\$32,790.00	
\$19,145.00	\$400.00	\$51,535.00		
	OVER 5 YEARS	9,621	\$236,160.00	
\$213,570.00	\$5,740.00	\$443,990.00		
		-----	-----	
		-----	-----	
	T O T A L S	19,349	\$486,095.00	
\$412,360.00	\$9,015.00	\$889,440.00		

Procurement Policy and Procedures
City of Kingston
Central Purchasing Department

Steven T. Noble, Mayor



Brian J. Woltman
Purchasing Agent

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INTRODUCTION

It is the intent of this manual to explain to users what the Purchasing Department (hereinafter “Purchasing”) does, and to provide users with information that will enable them to make the most effective use of the services offered by Purchasing. It is suggested that you read this manual closely, and ask any questions that you feel necessary to increase your understanding of the purchasing process, and refer to it as frequently as you need to in the course of carrying out your daily responsibilities. This manual will be reviewed frequently and updated accordingly.

A. Mission:

Purchasing shall promote the City’s best interest by providing a professional purchasing system of quality and integrity whereby all persons involved in public purchasing are treated fairly and equitably, the value of public funds are maximized and a sufficient supply system is available for all departments/agencies.

Purchasing will implement and maintain the purchasing system in full accordance with the requirements set forth in the General Municipal Law of the State of New York, the City Charter, and with such local laws as passed by the City of Kingston Common Council, and with such directives as issued by the Mayor. Purchasing shall conduct the procurement system for the City in a cost effective, objective manner, devoid of favoritism or special influence.

In the absence of the Purchasing Agent any functions assigned to him/her can be fulfilled by the City Comptroller.

B. Goals:

The goal of Purchasing is to make the purchasing process as competitive and objective as possible, while striving to promote high standards for all business relationships.

C. Objectives:

The objective of the Purchasing Department is to obtain, on a timely basis, quality products and services as economically as possible, as well as to satisfy the specific needs of our various departments. We endeavor to assure that the taxpayers receive the maximum value for each dollar expended. The established purchasing objectives center on the need for efficient and effective operations which are responsive to users’ needs, and practices which promote sound purchasing management and render the greatest value for the City taxpayer’s dollars. With this in mind, Purchasing is charged with accomplishing the following objectives:

- Promote timely procurement of supplies, equipment, and services necessary to the daily operation of the City.
- Promote prudent spending of City funds by obtaining maximum value for purchasing dollars spent by ensuring competition. Promote fair and open competition among vendors in an impartial manner.
- Promote buying techniques that encourage economies of scale, thereby ordering materials and services in large quantities when applicable and practical.

- Provide guidance, oversight, and problem resolution to City departments, and ensure compliance with City purchasing policies and procedures.
- Simplify, clarify, and streamline the procurement process of the City. Make the purchasing policies and procedures practiced by the City as consistent as possible.
- Ensure fair and equitable treatment of all persons/vendors who deal with the City.
- Ensure that all interested suppliers understand how to do business with the City.
- Maintain liaison with vendors providing goods/services to the City, including the resolution of complaints regarding goods/services.
- Treat all prices and technical information submitted by suppliers as confidential when appropriate, in order to preserve a good business reputation and obtain competitive prices.

D. Purchasing Department's Responsibilities

Purchasing is charged with providing efficient service to the departments in the procurement of goods and services that are of the best value from responsible vendors. Purchasing is responsible for handling all aspects of the procurement process, including the identification and development of sources, assistance to departments in the development of specifications, solicitation of bids, proposals, and quotations and interacting with vendors.

All City departments shall adhere to the provisions detailed in GML Sections 103 and 104-b, (as such sections may be amended from time to time) regardless of whether they are covered in this Manual. So long as there is compliance with these sections of State Law, the Purchasing Agent shall have ultimate discretion regarding any and all procurements.

E. Department Responsibilities

Departments should plan purchases sufficiently in advance to allow Purchasing to obtain the best price and/or overall service.

Purchase orders are based upon the information and specifications shown on the Purchase Requisition (PR) form. Care should be taken so that specifications are adequate to allow someone with little or no knowledge of the merchandise to place the order properly. When requesting parts for machines or equipment, a manufacturer and part number or model number of the unit the parts are for, should be stated on the PR form.

The Purchasing Agent has the right to make alternative suggestions to the requisitioning department if, in his/her judgment, the specifications would restrict competition, or otherwise preclude the most economical purchase of the required items.

Departments must record instances of vendor inconsistency and any evidence of unsatisfactory vendor performance during the course of any contract, and must provide this information to the Purchasing Office immediately. This procedure should be followed each time a vendor does not perform to the standards of our bid or request for proposal. The Purchasing Agent will review the issue and will contact the Corporation Counsel for legal assistance if necessary or prudent.

Purchases to be made with grant money should be planned well in advance of the expiration date of the particular grant. The departments shall immediately notify Purchasing of what commodities need to be purchased with the grant money to allow for a cost effective purchase and prompt payment. Notifying Purchasing in a timely manner will help ensure that grant money will not be lost.

Employees who are involved in their department's procurement process are to familiarize themselves with these policies and procedures. Supervisors are to ensure that new employees have read these policies.

No purchase shall be divided for the purpose of bringing the value of the order down to avoid using more stringent purchasing methods or restrictions, or to avoid statutory competitive bidding requirements.

F. Payments

All invoices and signed vouchers are sent to the requisitioning department by the vendor.

G. Change Orders

Change orders are required when it becomes necessary to increase the dollar amount (10% or more) of a purchase order to cover product price increases, or to cover shipping charge increases. The requisitioning departments are instructed to communicate in writing to Purchasing, any and all change orders. Purchasing will then determine if the particular change order is sufficient to warrant an amended purchase order.

A Change Order may not be used to change the vendor. If you must change the selected vendor, the original purchase order must be cancelled and the requisitioning department must then create a new purchase requisition.

H. Public Works Projects/Contracts

It is important to distinguish between contracts for public works and purchase contracts, as these items are not defined in the General Municipal Law. This distinction is especially important because there is a \$15,000 difference between the bidding thresholds.

In general, purchase contracts involve the acquisition of commodities, materials, supplies or equipment, while contracts for public work involve services, labor or construction. Many times contracts involve both goods and services and it is difficult to determine which bid limit to apply. Each procurement action must be reviewed on a case by case basis and determination must be made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of services, such that services are the focal point and the acquisition of goods is incidental, it will be considered a contract for public works. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, it is considered a purchase contract.

For example, a contract for interior painting of a building involves both material (paint) and labor (painting). In most instances, the labor component of the contract will be predominant, making it a contract for public work.

Any contract for public works in the amount of \$5000 or more shall require a fully executed standard agreement contract accompany the purchase order.

Section I

I. City of Kingston Standard Contract Insurance Requirements

(THIS TEMPLATE IS NOT TO BE USED FOR THE FOLLOWING TYPES OF CONTRACTS: Bridges, Demolition, Blasting, Hazardous Waste/Material Handling or Disposal, Professional Medical Services, Hospitals/Laboratory or Capitol Projects. Please contact the City's Purchasing Office to determine the proper schedule for these types of contracts.)

PRIOR TO SENDING THIS AGREEMENT TO CONTRACT MANAGEMENT FOR REVIEW, PLEASE CHECK WITH THE PURCHASING DEPARTMENT TO VERIFY THAT YOU HAVE THE PROPER INSURANCE SCHEDULE ATTACHED.

UNLESS OTHERWISE AUTHORIZED BY THE CITY OF KINGSTON PURCHASING DEPARTMENT, STRICT ADHERENCE TO THIS SCHEDULE IS REQUIRED. ANY DEVIATION FROM THESE REQUIREMENTS WITHOUT PRIOR AUTHORIZATION FROM THE PURCHASING DEPARTMENT WILL RESULT IN A DELAY IN FINALIZING AN AGREEMENT.

WORKERS COMPENSATION AND DISABILITY INSURANCE:

The VENDOR shall take out and maintain during the life of this Agreement, Workers' Compensation (WC) Insurance and Disability Benefits (DB) Insurance, for all of its employees employed at the site of the project, and shall provide to the City's Purchasing Office Certificates of Insurance evidencing this coverage. **If a VENDOR is not required to carry such insurance, the VENDOR must submit form CE-200 attesting to the fact that it is not required to do so.**

WORKERS' COMPENSATION REQUIREMENTS: To assist the State of New York and municipal entities in enforcing WCL Section 57, a business entity (the VENDOR) seeking to enter into contracts with municipalities (the CITY) MUST provide ONE of the following forms to the municipal entity (the CITY) it is entering into a contract with:

- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND HAS AN OUTSIDE CARRIER**, submit form C-105.2, "Certificate of Workers' Compensation

Insurance." The VENDOR'S insurance carrier will send this form to the CITY at the VENDOR'S request. **PLEASE NOTE:** The State Insurance Fund provides its own version of this Form (the U-26.3).

- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND IS SELF INSURED,** submit Form SI-12, "Certificate of Workers' Compensation Self-Insurance." The VENDOR'S Group Self-Insurance Administrator will send this form to the CITY at the VENDOR'S request.
- **IF THE VENDOR IS NOT REQUIRED TO CARRY COVERAGE,** SUBMIT Form CE-200, "Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Insurance Coverage." This form and instructions for completing it are available from the link below.

DISABILITY BENEFITS REQUIREMENTS: To assist the State of New York and municipal entities (the CITY) in enforcing WCL Section 220(8), business entities (the VENDOR) seeking to enter into contract with municipalities (the CITY) **MUST** provide ONE of the following forms to the municipal entity (the CITY) it is entering into a contract with:

- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND HAS AN OUTSIDE CARRIER,** submit Form DB-120.1, "Certificate of Disability Benefits Insurance." The VENDOR'S insurance carrier will send this form to the CITY at the VENDOR'S request.
- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND IS SELF INSURED,** submit Form DB-155, "Certificate of Disability Self-insurance." The VENDOR must call the Workers Comp. Board's Self-Insurance Office at (518)402-0247.
- **IF THE VENDOR IS NOT REQUIRED TO CARRY COVERAGE,** submit Form CE-200, "Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Insurance Coverage." This form and the instructions for completing it are available from the link below.

Form CE-200 and the instructions for completing the application and obtaining the form are available on the New York State Workers' Compensation Board's website, www.wcb.state.ny.us, under the heading "Common Forms." Business entities without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers' Compensation Board. However, business entities using the manual process may wait up to four (4) weeks before receiving a CE-200. **Employees of the Workers' Compensation Board cannot assist business entities in answering questions about this form. Please contact an attorney if you have any questions regarding Form CE-200. However, if you have questions regarding workers' compensation coverage requirements, please call the Bureau of Compliance at (866) 546-9322.**

***NOTE: ACORD forms are NOT acceptable proof of New York State Workers' Compensation or Disability Benefits Insurance Coverage. The manner of proof related to Workers' Compensation and Disability Insurance is controlled by New York State Laws, Rules and Regulations.**

COMMERCIAL GENERAL LIABILITY INSURANCE:

The VENDOR shall take out and maintain during the life of this Agreement, such bodily injury liability and property damage liability insurance as shall protect it and the CITY from claims for damages for bodily injury including accidental death, as well as from claims for property damage that may arise from operations under this Agreement, whether such operations be by the VENDOR, by any subcontractor, or by anyone directly or indirectly employed by either of them. It shall be the responsibility of the VENDOR to maintain such insurance in amounts sufficient to fully protect itself and the CITY, but in no instance shall amounts be less than those set forth below. The amounts set forth below establish the minimum acceptable levels of coverage.

Bodily Injury Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** for each occurrence and in an amount not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS** general aggregate.

Property Damage Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** for each occurrence and in an amount of not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS** general aggregate.

OTHER CONDITIONS OF COMMERCIAL GENERAL LIABILITY INSURANCE:

1. Coverage shall be written on Commercial General Liability form.
2. Coverage shall include:
 - A. Contractual Liability
 - B. Independent Contractors
 - C. Products and Completed Operations
3. The City of Kingston, located at P.O. Box 1627 in Kingston, New York, 12402, shall be added to the Commercial General Liability policy as an "Additional Insured" and this insurance shall be primary and non-contributory with any other valid and collectable insurance.

AUTOMOBILE LIABILITY INSURANCE:

Automobile Bodily Injury Liability and Property Damage Liability Insurance shall be provided by the VENDOR with a minimum Combined Single Limit (CSL) of **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS.**

OTHER CONDITIONS OF AUTOMOBILE LIABILITY INSURANCE:

1. Coverage shall include:
 - A. All owned vehicles
 - B. Hired car and non-ownership liability coverage
 - C. Statutory No-Fault coverage

PROFESSIONAL LIABILITY INSURANCE (e.g. MALPRACTICE INSURANCE)

[] If this box is checked, Professional Liability Insurance shall be provided by the VENDOR as follows:

Professional Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS.**

ADDITIONAL CONDITIONS OF INSURANCE:

1. The VENDOR shall submit copies of any or all required insurance policies as and when requested by the CITY.

CERTIFICATE OF INSURANCE:

The VENDOR shall file with the CITY CLERK'S OFFICE, prior to commencing work under this Agreement, a Certificate of Insurance.

1. The Certificate of Insurance shall include:
 - A. Name and address of Insured
 - B. Issue date of certificate
 - C. Insurance company name
 - D. Type of coverage in effect
 - E. Policy number
 - F. Inception and expiration dates of policies included on the certificate
 - G. Limits of liability for all policies included on the certificate
 - H. "Certificate Holder" shall be the City of Kingston, P.O. Box 1627, Kingston, New York 12402.

2. If the VENDOR'S insurance policies should be non-renewed or canceled, or should expire during the life of this Agreement, the CITY shall be provided with a new certificate indicating the replacement policy information as requested above. The CITY requires thirty (30) days prior written notice of cancellation [fifteen (15) days for non-payment of premium] from the Insurer, its agents or representatives.

J. City of Kingston Standard Contract Insurance Requirements for all Capital Projects

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- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND IS SELF INSURED**, submit Form SI-12, "Certificate of Workers' Compensation Self-Insurance." The VENDOR'S Group Self-Insurance Administrator will send this form to the CITY at the VENDOR'S request.

- **IF THE VENDOR IS NOT REQUIRED TO CARRY COVERAGE**, submit Form CE-200, "Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Insurance Coverage." This form and the instructions for completing it are available from the link below.

DISABILITY BENEFITS REQUIREMENTS: To assist the State of New York and municipal entities (the CITY) in enforcing WCL Section 220(8), business entities (the VENDOR) seeking to enter into contract with municipalities (the CITY) MUST provide ONE of the following forms to the municipal entity (the CITY) it is entering into a contract with:

- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND HAS AN OUTSIDE CARRIER**, submit Form DB-120.1, "Certificate of Disability Benefits Insurance." The VENDOR'S insurance carrier will send this form to the CITY at the VENDOR'S request.
- **IF THE VENDOR IS REQUIRED TO CARRY COVERAGE AND IS SELF INSURED**, submit Form DB-155, "Certificate of Disability Self-insurance." The VENDOR must call the Workers Comp. Board's Self-Insurance Office at (518)402-0247.
- **IF THE VENDOR IS NOT REQUIRED TO CARRY COVERAGE**, submit Form CE-200, "Certificate of Attestation of Exemption From New York State Workers' Compensation and/or Disability Benefits Insurance Coverage." This form and the instructions for completing it are available from the link below.

Form CE-200 and the instructions for completing the application and obtaining the form are available on the New York State Workers' Compensation Board's website, www.wcb.state.ny.us, under the heading "Common Forms." Business entities without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers' Compensation Board. However, business entities using the manual process may wait up to four (4) weeks before receiving a CE-200.

Employees of the Workers' Compensation Board cannot assist business entities in answering questions about this form. Please contact an attorney if you have any questions regarding Form CE-200. However, if you have questions regarding workers' compensation coverage requirements, please call the Bureau of Compliance at (866) 546-9322.

***NOTE: ACORD forms are NOT acceptable proof of New York State Workers' Compensation or Disability Benefits Insurance Coverage. The manner of proof related to Workers' Compensation and Disability Insurance is controlled by New York State Laws, Rules and Regulations.**

COMMERCIAL GENERAL LIABILITY INSURANCE:

The VENDOR shall take out and maintain during the life of this Agreement, such bodily injury liability and property damage liability insurance as shall protect it and the CITY from claims for damages for bodily injury including accidental death, as well as from claims for property damage that may arise from operations under this Agreement, whether such operations be by the VENDOR, by any subcontractor, or by anyone directly or indirectly employed by either of them. It shall be the responsibility of the VENDOR to maintain such insurance in amounts sufficient to fully protect itself and the CITY, but in no instance shall amounts be less than those set forth below. The amounts set forth below establish the minimum acceptable levels of coverage.

Bodily Injury Liability Insurance in an amount not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS** for each occurrence and in an amount not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS** general aggregate.

Property Damage Liability Insurance in an amount not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS** for each occurrence and in an amount of not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS** general aggregate.

OTHER CONDITIONS OF COMMERCIAL GENERAL LIABILITY INSURANCE:

1. Coverage shall be written on Commercial General Liability form.
2. Coverage shall include:
 - A. Contractual Liability
 - B. Independent Contractors
 - C. Products and Completed Operations
3. The City of Kingston, located at P.O. Box 1627 in Kingston, New York, 12402, shall be added to the Commercial General Liability policy as an “Additional Insured” and this insurance shall be primary and non-contributory with any other valid and collectable insurance.

AUTOMOBILE LIABILITY INSURANCE:

Automobile Bodily Injury Liability and Property Damage Liability Insurance shall be provided by the VENDOR with a minimum Combined Single Limit (CSL) of **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS**.

OTHER CONDITIONS OF AUTOMOBILE LIABILITY INSURANCE:

1. Coverage shall include:
 - A. All owned vehicles
 - B. Hired car and non-ownership liability coverage
 - C. Statutory No-Fault coverage

PROFESSIONAL LIABILITY INSURANCE (e.g. MALPRACTICE INSURANCE)

[] If this box is checked, Professional Liability Insurance shall be provided by the VENDOR as follows:

Professional Liability Insurance in an amount not less than **TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS.**

ADDITIONAL CONDITIONS OF INSURANCE:

1. The VENDOR shall submit copies of any or all required insurance policies as and when requested by the CITY.

CERTIFICATE OF INSURANCE:

The VENDOR shall file with the CITY CLERK'S OFFICE, prior to commencing work under this Agreement, a Certificate of Insurance.

1. The Certificate of Insurance shall include:
 - A. Name and address of Insured
 - B. Issue date of certificate
 - C. Insurance company name
 - D. Type of coverage in effect
 - E. Policy number
 - F. Inception and expiration dates of policies included on the certificate
 - G. Limits of liability for all policies included on the certificate
 - H. "Certificate Holder" shall be the City of Kingston, P.O. Box 1627, Kingston, New York 12402.
2. If the VENDOR'S insurance policies should be non-renewed or canceled, or should expire during the life of this Agreement, the CITY shall be provided with a new certificate indicating the replacement policy information as requested above. The CITY requires thirty (30) days prior written notice of cancellation [fifteen (15) days for non-payment of premium] from the Insurer, its agents or representatives.

Section II

General Provisions

I Authority

The Central Purchasing Department is authorized to execute the Procurement Policy as it is prescribed in chapter 103 of the city code (Refer to Section 2) that was adopted by the common Council on September 1, 1992

II Purpose

The purpose of the Central Purchasing Department is to centralize all purchases of supplies, materials, equipment and services necessary to operate the government of the City of Kingston in a sound, professional and businesslike manner.

III Purchasing Procedures

The following procedures are to be followed when a given supply, material, piece of equipment or service is needed.

- 1) The requisitioning department shall complete and sign a Purchase Request (PR) form; which shall include sufficient data and background to allow for the preparation of a purchase order by the Purchasing Agent. After the particular department head or authorized official approves the purchase, a signed PR is forwarded to Central Purchasing, and the requisitioning department shall also retain a copy.
- 2) The requisitioning department shall prepare all specifications according to their needs. The PR shall then be reviewed by the Purchasing Department. A determination in accordance with the city code and New York State General Municipal Law (Refer to Section 3) is then made whether or not the particular requisition will require the receipt of formal bids. The requisitioning department shall be notified of the decision.

IV The Bidding Process

Competitive bidding is required for the purchase of commodities or groups of commodities with an anticipated value of \$20,000 or more and for non professional public works purchases with an anticipated value of more than \$35,000. The competitive bidding process ensures that all bidders receive the same information, and the bid award shall be made to the lowest responsible bidder. Once a determination is made that a particular requisition for a purchase, service or public works project meets the required threshold for a public bid the Purchasing shall then commence the bidding process.

As authorized by New York General Municipal Law 103, purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the Labor Law) may be awarded on the basis of best

value, as defined in section 163 of the State Finance Law and as authorized in section 103 of the General Municipal Law, to a responsive and responsible offeror. When the bid specifications state that the bid will be awarded on the basis of "best value," the specifications will also include the criteria that will be used to award the bid. In assessing best value when awarding the purchase contract, non-price factors can be considered. Non-price factors can include, but are not limited to, environmental benefits, energy efficiency, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offeror's that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section 310 of the Executive Law.

Planning and gathering information is vital. To achieve the best results sufficient lead-time should be built into the procurement process to permit adequate planning, specification writing, bidding, vendor selections, documentation, etc. Departments should allow sufficient time for the Purchasing to review product specifications and/or scopes of work and complete the bid or proposal documents. Additional time will be needed for bids and requests for proposals (RFP's) where the resulting contracts require the approval of the Mayor's Office or the Common Council.

Each bid or RFP shall be numbered before being published.

- Advertisements for public bids and RFP's shall be published in the official City newspaper as designated by the Common Council.

Bids and RFP's may also be published on the Empire State Purchasing Group (ESPG) website where they'll be available for viewing and down loading.

Purchasing will issue bid or proposal specification packages to vendors/contractors at the advertised location, or the vendors/contractors may download them from the ESGP website. Bid or proposal packages may also be sent to vendors/contractors via First Class Mail.

All bid or proposal specification packages picked up at Purchasing or sent out from Purchasing are recorded in the bid file. The ESGP website maintains a record of all firms who download the bid or proposal specification documents from the website.

A. Developing Bid Specifications

Purchasing writes a bid using the department's list of specifications as the specific criteria against which vendors' are evaluated. These specifications must be absolutely clear to all potential bidders. The bid will be awarded to the lowest cost supplier to meet all of the department's needs, exactly as it was defined by the department in the specifications.

Departments will not be allowed to add or delete requirements after the bids open; the evaluation will be based solely on the requirements set forth in the bid. During the bid process, the vendors

must be absolutely certain they are all considering the same thing. The vendor needs to offer the appropriate product at the right price.

A good bid specification should do four things:

- Identify minimum requirements;
- Allow for competition;
- List reproducible test methods to be used for testing compliance with specifications; and
- Provide for an equitable award at the lowest possible cost.

1. Brand Names

Brand names can be used in a bid specification. If you supply Purchasing with a brand name, the Purchasing Agent will generally specify, “brand name or equal” on the bid request for quote. A brand name gives the parties involved an idea of what type and quality of product you require. In many cases, several distributors can supply a given brand. You still must address the salient characteristics, and important features or requirements. Also define the form, function, and utility of the item or service. Since no two brands are identical in all respects, describe in which respects you need any product offered to be equivalent. Make it clear at the outset what you consider “equivalent” to be.

2. Use of Vendor Specifications

Only departments are qualified to know exactly what their respective needs are. Avoid turning the job over to a vendor. Vendors’ literature is written to describe and promote their products. It is their job to sell their company’s product and it is to their benefit to emphasize the uniqueness of their product both verbally and in their product literature.

By copying a vendors’ literature rather than writing their own specifications, departments are likely to over-restrict the specifications to the point where only the vendor whose literature has been copied can meet them. This may reduce competition and result in higher costs.

Purchasing requests that departments write their specifications using their own thoughts and words. If Purchasing unknowingly issues a bid based on specifications supplied by a department that are from a specific vendor’s literature, a competing vendor may challenge the bid or purchase decision, saying the requirements unfairly favored one vendor and restricted competition. The bids may need to be rejected (or the order canceled), and a new list of requirements developed to more accurately reflect the departments true needs. Delays can be avoided by spending quality time up-front writing your own, well-thought-out list of requirements.

3. Avoid Over Specifying

Avoid writing down more than what you actually require to meet your operational needs. The more requirements you add, the more likely it is you will limit the number of vendors that can offer a product or service to meet them. Think about the use of a product that you need for a

service to your department and limit yourself to what actually makes sense in your particular setting.

B. Electronic Advertisement of Bids

In addition to public advertisement, Purchasing posts its Bids/RFPs/Quotes on the Empire State Purchasing Group (ESPG) website. Any vendor wishing to receive automatic notification must register on the ESPG website and pay a small fee for that service. Vendors who do not wish to have automatic notification may register for free to obtain access to downloading any document. Vendors who register for free have the responsibility of checking the ESPG website to look for business opportunities. Purchasing will no longer maintain lists of vendors for commodities or services. In order for specifications to be sent to any vendor, that vendor must first contact Purchasing by mail, email, or fax, requesting that the specifications be sent via regular mail or email. Vendors may pick up specification in person at the Purchasing Office during the business hours indicated in the notice of bid advertisement. Bid or proposal packages will not be “faxed” or sent via overnight carrier (Fed-X) under any circumstances.

C. Bid Security

There are two different types of circumstances that may require bid securities.

1. PURCHASE OF GOODS OR SERVICE – A percentage of the estimated bid is required as security and must be in certified check form and/or bid bond. The certified check and/or bid bond of the awarded vendor is held until Purchasing receives written notification from the requesting department head the bid items or services have been received. The bid security is then returned to the awarded vendor.
2. CAPITAL IMPROVEMENT or PUBLIC WORKS PROJECTS – A percentage or fixed dollar amount bid security in the form of a certified check or bid bond is required. Bid security will be five percent of the total bid amount or a fixed dollar amount. Bid security will be returned once the required performance bonds have been received and the contracts are fully executed.

D. Performance Bond

Performance bonds shall be required when bidding capital improvement or public works projects. Bidders shall be required when bidding capital improvement or public works projects. Bidders are required to submit their performance bonds before or at the time that they sign a contract. This bond will ensure that the bidder fully completes its performance requirements for the municipality between the date of award and the date of completion stated in the contract.

E. Prevailing Wages

Prevailing wages consist of pay scales that have been bargained for by various unions throughout The State of New York, and are set by the NYS Department of Labor. Vendors must pay these rates to those employees who work on public works projects in any municipal building. These wage rates apply regardless of the dollar amount of the contract. It is extremely important to

make sure that bidders/proposers understand that prevailing wages apply for any public works project in City buildings regardless of the dollar value of the contract.

F. Addendums

As stated in the Request for Bid terms and conditions, “only formal, written addenda can alter the bid specifications.” When a discrepancy, ambiguity, or omission is revealed, Purchasing will issue an addendum to clarify the bid requirements. The addendum is sent via fax and/or US Mail to all vendors that have picked up or were mailed bid packages, and the addendum is also posted on the HVMPG website. The first addendum will be labeled “Addendum #1”. Subsequent addendums issued will be sequentially labeled.

Purchasing will make every effort to ensure that all vendors of record receive addenda.

The addendum procedure will also be used to extend the bid date where additional time is necessary to give the vendors/contractors sufficient time to submit a responsible bid.

G. Receipt of Bids

Vendors or contractors must mail, express, or otherwise physically deliver sealed bids to the Purchasing Department office on or before the bid deadline specified in the legal advertisement. The Purchasing Agent shall maintain a bid receipt log; the purpose of which is to record when, and by what method each bid was received. No bids are accepted after the bid deadline. Those received after the bid deadline will be returned to the sender unopened. The best practice is to refuse delivery of any late bids. However, if a courier delivery of a late bid is inadvertently received then the late bid shall be returned to the prospective bidder in the original unopened envelope along with a letter explaining that their bid was late and cannot be accepted.

No “fax” machine transmission or other electronically submitted bids will be accepted under any circumstances. All bids are kept in a secure location.

Except by issuing an addendum, the bid opening time and date may never vary once they are set.

At the public bid opening the Purchasing Agent shall supply a bid opening attendance form; all representatives from the prospective bidders shall be required to sign in along with the representative from the requisitioning department and the Purchasing Agent. Any member of the general public that attends the bid opening merely for the purpose of observation is not required to sign in and their signature shall not be requested.

H. Bid Recommendation and Award Process

After the bids are opened the Purchasing Agent shall prepare a bid tabulation of the bids that were received. The tabulation shall be forwarded to the Mayor, Comptroller and the head of the requisitioning department. For the purpose of review the requisitioning department head will also receive a copy of all the bids received. The department shall review the bids and send a memorandum of their recommendation or rejection to Purchasing. If the lowest responsible

bidder is not recommended, then a detailed written explanation from the department head must be attached. The Purchasing Agent will review the bids and department recommendation, and, if necessary, contact Corporation Counsel to clear up any legal technicalities and then will approve or disapprove the department's recommendation.

If a contract is required for an individual department, the department head must submit the package with recommendations to Corporation Counsel for appropriate contract review, drafting, and approval. All contracts must be approved by Corporation Counsel and by the Mayor. After approval for the contract is granted, Purchasing will process the necessary notice of award or purchase order. When the award process is finalized, the entire bid package becomes a permanent file in Purchasing.

I. Requests for Proposals (RFP)

An RFP is a competitive process for choosing an individual or firm with which to contract for services. The contract is awarded based on factors such as cost, qualifications, experience and demonstrated ability, and not necessarily to the proposer with the lowest price. These guidelines are for the development, solicitation, evaluation, and award of RFP's consistent with the applicable laws and regulations of the City of Kingston. Generally, a RFP is to be used as a procurement vehicle when the end-user does not have a pre-defined product specification or service requirement, but rather a set of outcomes or deliverables needed to meet the project objective(s). A RFP allows responding proposers to use their best resources to propose solutions that meet the project objective(s).

A thorough, well written RFP will help ensure that meaningful and responsive proposals will be received and that the desired ends for the project will be achieved. The RFP must provide the offeror with a clear, unambiguous statement of work for the project, the rules for submitting responsive proposals, a detailed statement of the requirements and goals of the project, instructions on the preparation of the proposal, and the method and criteria for proposal evaluation.

RFP Administration and Process

1. RFP Development

Purchasing shall work with the requesting department in the development and review of the RFP. The department shall be given a final draft of the RFP for approval before the notice has been advertised.

The evaluation team, evaluation criteria, and evaluation weights shall be determined prior to solicitation. The weight for each evaluation criteria item shall be determined by the evaluation team with the advice of purchasing prior to the solicitation. The weight shall be based on a percentage where the combined weights for all the evaluation criteria shall equal 100%.

2. Forming a RFP Development Team

Assembling a competent development team at the outset of the process is essential. RFP development team members should be carefully selected on the basis of their individual skills and potential contributions. The team should consist of staff members from the department that have an interest or expertise in the services to be procured. The team should be given sufficient time and resources to participate in the planning and implementation process.

3. Forming the Evaluation Team

Prior to solicitation, the requesting department shall form an “evaluation team” of knowledgeable personnel to evaluate and recommend an award of the RFP. It should be clear to evaluation team members from the outset that their duties will require significant time and effort.

There is no restriction as to how many people there may be on the evaluation team. It is suggested that a minimum of three individuals be considered and the team should be diverse with expertise and knowledge of the product or service being procured.

Each Evaluation Team member will be provided with the RFP guidelines and a copy of the RFP for review prior to commencement of the evaluation process.

4. Purchasing’s Role

Purchasing’s experience, influence, and consistency are critical to the successful completion of the RFP process. Purchasing usually will not serve as a scoring member of the evaluation team, but shall perform the following responsibilities:

- Support department staff in drafting the RFP;
- Manage the RFP process;
- Instruct the proposal evaluation team regarding the RFP process, the terms of the subject RFP, and the evaluation process detailed in the RFP so that team members understand the RFP process and their responsibilities in it;
- Manage the proposal evaluation process;
- Oversee the review of technical proposals for responsiveness to mandatory requirements;
- Conduct and coordinate any oral presentations and written clarifications with proposers; and
- Maintain the project file during the RFP process.

In the event of any protests, or appeals related to and RFP; it shall be Purchasing’s responsibility to work with the Corporation Counsel’s Office and provide them with the full record of the procurement process. Such actions may or may not center on the activities of the evaluation team. However, it is not uncommon for a protestor to review the scoring of the evaluation team. It is essential that evaluators work hard to score the proposers in a consistent and explainable manner.

5. Role of the Evaluators

- Evaluators are instructed not to discuss any part of the proposals outside the evaluation team members;
- For uniformity in scoring, the evaluators are to use the evaluation form supplied by Purchasing;
- All scores must be supported by rational and sufficient documentation to substantiate the evaluators' judgment;
- A team leader, usually from Purchasing, should be established to serve as a proctor for all meetings of the evaluation team, and keep records of all evaluation discussions, forms, scoring and recommendations.
- The team as a whole will discuss the findings of each member, and develop a composite score for each proposal after the evaluators have evaluated the proposals separately. If it is apparent that one or more of the evaluators' scores differ greatly from the majority, the team should discuss the situation to be sure the criteria was clear to all. If an evaluator feels at this point that he did not understand the criteria or did not understand the proposal, he/she may, at his/her discretion, revise the evaluation. All evaluation forms are turned into Purchasing to become part of the public record.

Do's and Don'ts for evaluators:

<u>Do's</u>	<u>Don'ts</u>
Do evaluate each proposal independently, then as a team.	Don't confer with the other team evaluators concerning a particular proposal until after you have first evaluated it independently.
Do record the detailed rationale for scoring each proposal.	Don't use vague or contradictory statements in your evaluation rationale.
Do ask Purchasing for guidance with any question you may have.	Don't discuss the evaluation scores with non-team evaluators prior to an award being made. If you get an inquiry from an offeror, your response should only indicate that you are in the "evaluation process." Any further questions should be directed to Purchasing.
	Don't assume. If you have a question, please ask.

6. Conflict of Interest

A conflict of interest exists whenever there is a situation in which an evaluation team member, advisor or consultant may have a financial or other interest or prejudice through current or past association or relationship with any responding offeror. Any individual who believes a potential conflict of interest exists must inform Purchasing immediately. The Purchasing Agent will contact the Corporation Counsel's Office for an opinion if the Purchasing Agent deems it necessary to do so.

7. RFP Solicitation Phase

Legal Notices for RFP's shall be published in the official newspapers of the City of Kingston. RFP specifications may be obtained directly from the Purchasing Office. Additionally, RFP specifications may be available for downloading directly from the HVMPG website.

RFP Layout and Content

The layout and content of all RFP's will include information and requirements from both the department and from Purchasing. Some sections of the RFP's will be the primary responsibility of the department while some sections will include standard language from Purchasing. While RFP's will vary from project to project, they will typically follow a basic outline:

1. Background Information
2. Objectives and Technical Requirements (Scope of Work)
3. Cost/Budget Proposal Requirements
4. Contractual Terms and Conditions
5. Administrative Information
6. Proposal Format and Content
7. Proposal Evaluation Criteria
8. Any relevant attachments provided by the department

The department will be primarily responsible for developing the background information, objectives and technical requirements (scope of work), cost/budget proposal requirements and evaluation criteria. The department is also responsible for any attachments to the RFP that may be required.

Purchasing will provide the language for the contractual terms and conditions, administrative information (e.g., contact and pre-bid conference information), proposal format and content (e.g., required proposal sections and their order).

1. Background

This section of the RFP contains background information for those interested in responding to the RFP (hereinafter "proposers"). Background information should include a description of the function of the department for which the services are required, a fairly detailed explanation of why the services are needed, a description of the method or system presently employed (including its deficiencies), the staff and resources available, and the objectives of the department. This is a reasonably brief summary of the existing problem and the approach to a solution preferred by the department. The details of tasks are reserved for the scope of work section. For human services RFP's, any current data and demographic information on the target population of utilization of services should also be included here.

2. Objectives and Technical Requirements – Scope of Work (SOW)

This is a detailed description of the work to be performed by the proposer. A well-written SOW enhances the opportunity for all potential proposers to compete equally for City projects and serves as the standard for determining if the proposer meets the stated performance requirements. The SOW should specify in clear, understandable terms the work to be performed by a proposer. Preparation of an effective SOW requires both an understanding of the services that are needed to satisfy a particular requirement and an ability to define what is required in specific, performance-based, quantitative terms. A SOW prepared in explicit terms will enable proposers to clearly understand the City's needs. This facilitates the preparation of responsive proposals and delivery of the required services while shifting the responsibility for preparing the SOW from the City to those responding to the RFP.

Any technical requirements that proposers must meet as an organization or comply with in their proposed program should be detailed in this section. This section should also include any regulatory or legal requirements that must be followed.

The department will need to develop the objectives that the selected proposal will be expected to accomplish. Note: Objectives are not simple benchmarks or milestones (e.g., X number of vehicles serviced per month). They should be outcomes you are looking to achieve (e.g., reduce by X% the number of vehicles with lost service hours).

3. Cost/Budget Proposal Requirements

The department requesting the RFP will be responsible for the details in this section, although some language will be standard in all RFP's and will be provided by Purchasing. You should describe the form and cost breakdown that you will require for this particular project. If you will be attaching a budget form for proposers to complete, you should indicate that here. You may also want to repeat here any funding information that you provided in the previous background or objectives/requirements sections.

4. Evaluation Criteria

Proposers will need to know the criteria that they will be judged upon. Evaluation criteria should be carefully developed, well-thought out and should provide a comprehensive array of qualities on which to judge the proposers. Avoid multiple criteria that are similar to one another, or criteria that can be ambiguous or unclear. Criteria should be chosen and weighted based upon their importance to the project and your mission and as a factor in successfully meeting your project objectives. You should not include criteria that are not relevant or important to the project.

RFP Proposer-City Communication/Contact

1. Proposer Questions and/or Inquiries

Once the legal notice has been published, and the RFP's have been distributed, all proposer questions should be directed to Purchasing in writing. Under no circumstances should a department answer hypothetical or speculative "what if" questions.

2. Pre-Proposal Conferences

Based upon the scope and technical requirements of a RFP, a pre-proposal conference may be necessary. If a pre-proposal conference is conducted, modifications to the RFP may result. The pre-proposal conference provides an opportunity to:

- Review the requirements
- Facilitate a clear understanding of the scope of work; and
- Promote competition.

The pre-proposal conference is a meeting of potential respondents, Purchasing, and the requesting department's technical representative. A sign-in sheet will be distributed to collect the attendee names, company names, and telephone numbers. Some questions are answered immediately, while others may require additional analysis. For questions requiring additional analysis, Purchasing will indicate to the attendees that there will be a response in writing made in a timely manner before the scheduled opening, or of necessary, the opening date will be rescheduled. All questions will be addressed in a subsequent addendum.

3. Addendum

If needed, an addendum to the RFP may be issued to correct any inconsistencies in the RFP, revise elements of the RFP, and/or respond to inquiries by potential respondents. Purchasing will be responsible for coordination of the subject matter and for issuing the addendum. The addendum is sent to all vendors who possess a copy of the RFP.

Post RFP Deadline and Evaluation

1. RFP Closing

After the proposal due date and time, names of the respondents are released. No other information is given until the City has a signed contract with the awarded proposer.

2. RFP Evaluation

After the RFP has closed, Purchasing will distribute copies of all responses to the requesting department, with the original responses kept in Purchasing's file. The requesting department shall distribute copies of all responses, along with the scoring matrix, to the identified evaluation team. Each team member is to score all proposals against the evaluation criteria identified in the RFP specification.

Each evaluation team member should provide written justification/explanations for each score given under each criterion. When all evaluation team members have completed their scoring, the scores shall be collected by the team leader for tabulating the results, and identifying the top rated proposer(s) for award consideration.

3. Oral Presentations

Oral presentations are used to clarify or verify the proposer's written proposal and should be used when appropriate. They may be restricted to only those proposers with the highest scores after the initial evaluation of all proposals. Purchasing, in coordination with the requesting department, shall develop discussion points and questions for the proposers to address during their presentations. All proposers will be afforded equal time for their presentations.

All members of the evaluation team should be present for each presentation. Details of competing proposals should not be discussed during presentations. The proposer's presentation and answers to the evaluation team's questions may enhance the proposer's score in the evaluation areas of the RFP. The evaluation team may re-evaluate and make changes to the scores of the proposers based on the information received from the presentations.

4. RFP Award Phase

After the responses to the RFP have been evaluated and tabulated, or re-evaluated after oral presentations, the department head shall make a formal written recommendation to Purchasing. Attached to the recommendation shall be the scoring matrix with supporting documentation justifying why the successful proposer was selected.

Purchasing will issue a Notice of Award to the highest scoring proposer. The department head shall process contract approval through the City's Corporation Counsel's Office.

V Vendor Lists

Purchasing shall no longer maintain a vendor list for the procurement of either commodities or services. Purchasing regularly posts Bids, RFPs, and opportunities for Quotes on the Empire State Purchasing Group (ESPG) website. Any vendor wishing to receive automatic notification must register on the ESPG website and pay a small fee for that service. Vendors who do not wish to receive automatic notification may register for free to obtain access to downloading any document. Vendors who register for free have the responsibility of checking the ESPG website to look for business opportunities.

VI Request for Price Quotations

The Purchasing Agent shall prepare and seek price quotations based on the specifications provided by the requisitioning departments. Methods for obtaining quotes shall include but not be limited to telephone quotes, written quotes faxed quotes or online Request for Quotes (RFQ).

The purchasing agent shall receive and evaluate all price quotations; the selection of a vendor shall then be made. However, in the event of a technical or specialized purchase or where uncertainty remains the head of the requisitioning department shall be notified and be required to assist the buyer in vendor selection.

VII Emergency Procurements

Section 103(4) of GML sets forth an exception to bidding requirements for emergency situations and provides as follows:

“Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding, contracts for purchase or public work or the purchase of supplies, material or equipment may be let by the appropriate office, board or agency of a political subdivision or district therein.”

Accordingly, the following three basic statutory criteria must be met in order to fall within the emergency exception:

1. The situation must arise out of an accident or unforeseen occurrence or condition;
2. Public buildings, public property, or the life, health, safety or property of the City’s inhabitants must be affected;
3. The situation must require immediate action that cannot await competitive bidding. Even when a governing board passes a resolution that a public emergency exists, the public interest dictates that public purchases are made at the lowest possible cost, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

The Office of the State Comptroller has suggested that, to meet these criteria, there generally must be present, immediate and existing condition that is creating an “imminent danger to public or private property or the life, health or safety of the municipality’s residents which makes a further delay in action occasioned by compliance with competitive bidding requirements unwarranted” (1981 Opns St Comp, No. 81-224, P 241). Further, in as much as GML Section 103(4) provides that the emergency must arise out of an accident or unforeseen occurrence, it is doubtful that a local government may invoke the emergency provisions in a situation that is the result of inaction or dilatory behavior on the part of officials and which therefore, could have been foreseen (1978 Opns St Comp No. 78-780, unreported; see also, Rodin v. Director of Purchasing, 38 Misc. 2nd 362, 238 N.Y.S.2d 2 (1963)).

Note that even in an emergency situation, it is in the public interest that purchases be made at the lowest possible cost (Orange Paint v. Scaramuccia, 59A.D. 2d 894, 399 N.Y.S. 2d 52). Thus, the political subdivision should seek competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

The law cannot be circumvented by a declaration of an emergency that is caused by lack of planning on the part of the department. A “sudden” emergency arising from the gradual

deterioration of a piece of equipment or an out-of-stock condition of a routine supply item, will not withstand the legal scrutiny.

The requesting department should contact the Purchasing Agent for the determination that the situation qualifies as an emergency. If the Purchasing Agent deems it necessary or prudent, he/she will contact Corporation Counsel for an opinion.

When circumstances support an emergency purchase, the requesting department should, with Purchasing's assistance, attempt to locate a source for the goods or services. An attempt should be made to obtain the lowest price from a vendor or contractor who will best meet the requirements. When the supplies and the price have been established, the department head or designee will call Purchasing for emergency purchase procedures. A written determination of the basis for the emergency and the selection of the particular supplier shall be included in the procurement file. As soon as practicable, the requisitioning department shall provide to Purchasing a full record of the emergency procurement action. This record shall document what the circumstances and rationale were for pronouncing a lawful emergency situation, while also explaining what the basis was for selecting the particular vendor. The requisitioning department shall complete the Emergency Procurement Worksheet (found in the Appendix) and submit it along with the Procurement Request. The Emergency Procurement Worksheet shall be included and retained in the procurement file.

The Mayor has the ultimate power to designate an "emergency purchase" or "emergency project," and may waive normal bidding requirements. If the emergency designation is approved and certified by the Mayor, the requesting department will submit all original backup information, such as the vendors' or contractors' proposed contracts or proposals, quotations, letters, etc. to Purchasing for its records.

VIII Purchase Orders

Purchase Orders shall be required for procurements of **\$1000** or more; employment of the Procurement Card (P-card) shall be the preferred method for processing transactions of lesser amounts.

The Purchasing Agent shall prepare all purchase orders and send copies to the vendors. A copy of the purchase order will be forwarded to the requisitioning department. The Purchasing Department shall keep and maintain a copy of the purchase order along with a signed PR from the requisitioning department.

Blanket Purchase Orders – When a particular department frequently makes small purchases from the same vendor several times a month it is more efficient to issue a single blanket purchase order to the vendor rather than to continuously issue multiple purchase orders.

Procurement Cards - The City recognizes that the use of procurement cards is a practical alternative to the use of purchase orders for high-volume, low-value procurements. The purpose of the procurement card program is to streamline and simplify the requisitioning, purchasing, and

payment process for small dollar transactions of **\$1,000** or less. For additional procedural details please refer to Section VI of this manual.

A. Purchase Order Exceptions:

There are certain expenditures for which the NYS Comptroller has determined that the processing of a purchase order is unnecessary:

1. Contracts for personal services. Any encumbering should be on the basis of written contracts.
2. Employee expenses such as conference expenses, mileage and other reimbursable expenses in the performance of day-to-day duties.
3. Reimbursement of petty cash funds.
4. Utility bills.
5. Service contracts for a fixed monthly or annual amount (May be encumbered on the basis of the written contract).
6. Interdepartmental charges (water department billing to recreation; fire department billings for fire alarm systems, etc.)
7. Medical examinations.
8. Legal notices.
9. Claims for food for prisoners being transported.
10. Postage meter costs.

IX Delivery

The requisitioning department shall receive and inspect the delivery of all items. Any errors or damages shall be reported to the Purchasing Agent. Immediate notification shall then be made to the particular vendor. Requisitioning departments shall also bring to the attention of the Purchasing Agent any consistent and unresolved problems with any vendor

X Payments

All invoices will be sent to the requisitioning department. Upon verification of price, accepted delivery and terms, original invoice with a purchase order voucher attached will be processed for payment by the requisitioning department. This paperwork will then be sent to the Comptroller's Office for payment.

XI Sole Source Procurements

A) A contract may be awarded without competition when the Purchasing Agent determines in writing, after conducting a good faith review of available resources that there is only one source for the required commodity, supply, service or construction item. The Purchasing Agent shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record, and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the purchase order number of each contract file.

B) In determining whether procurement qualifies as a sole source, Purchasing and the Department requesting the procurement shall show, at a minimum:

- (1) The unique benefits to the City of the item as compared to other products available in the marketplace;
- (2) That no other product provides substantially equivalent or similar benefits as compared to other products available in the marketplace;
- (3) That there is no possibility of competition, as from competing dealers or distributors.

XII Cancellation of Invitations for Bids or Request for Proposals

An invitation for bids, a request for proposal, or other solicitation may be cancelled, or any or all proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause, and in the best interests of the city. The reasons therefore shall be made part of the contract file. Each solicitation issued by the city shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the interests of the city. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

XIII Inter-Municipal Procurements

Purchases of materials, equipment, supplies and or services through the NYS Office of General Services (OGS) may be exempt from competitive bidding or subject to a modified competitive bidding process. If a department's procurement item or service is available under an OGS contract, the department must review the OGS contract to determine the possible bidding requirements. Purchasing can assist with this determination if need be and the Purchasing Agent has the discretion to require competition in this area.

Procurements under contracts from NYS Counties are not subject to competitive bidding. (GML § 103(3))

XIV Procurements From Preferred Sources

New York State Finance Law, §162, provides that procurements from certain “preferred sources” are exempt from competitive bidding. Pursuant to this law and as determined by the Purchasing Agent, procurements from the following entities may be exempt from competitive bidding:

1. Commodities produced by the department of correctional services’ correctional industries program (CORCRAFT).
2. Commodities and services produced by any qualified charitable non-profit-making agency for the blind approved for such purposes by the Commissioner of the Office of Children and Family Services.
3. Commodities and services produced by any special employment program serving mentally ill persons, which shall not be required to be incorporated, and for which is operated by facilities within the office of mental health and is approved for such purposes by the Commissioner of Mental Health.
4. Commodities and services produced by any qualified charitable non-profit making agency for other severely disabled persons approved for such purposes by the Commissioner of Education, or incorporated under the laws of the State of New York and approved for such purposes by the Commissioner of Education.
5. Commodities and services produced by a qualified veterans’ workshop providing job and employment skills training to veterans, where such a workshop is operated by the United States Department of Veterans Affairs and is manufacturing products or performing services within New York State, and where such workshop is approved for such purposes by the Commissioner of Education.
6. Commodities and services produced by any qualified charitable non-profit making workshop for veterans approved for such purposes by the Commissioner of Education, or incorporated under the laws of New York State and approved for such purposes by the Commissioner of Education.

Departments must consult the Purchasing Agent for a determination as to whether a particular procurement qualifies under this exemption.

XV True Leases

Equipment leases are not subject to competitive bidding if they meet the following criteria:

1. the term of the lease is less than the useful life of the equipment being leased; AND
2. the lease does NOT provide for a buy out and the end of the term.

The Purchasing Agent has the discretion to require competition in this area.

Leases of real property are not subject to §§103 or 104 of GML.

XVI Procurements From Surplus Government Auctions

If they meet the City's needs, surplus or second-hand supplies, materials, or equipment from the state or federal government or any other political subdivision, district, or public benefit corporation, may be purchased without competitive bidding pursuant to GML §103 (6).

Section III

Review of Purchases; Determination of Bidding Requirements.

Every purchase to be made must be initially reviewed by the Central Purchasing Agent of the city to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law:

- (1) Purchase contracts under \$20,000 and public works contracts under \$35,000.
- (2) Emergency purchases.
- (3) Goods purchased from agencies for the blind or severely handicapped.
- (4) Goods purchased from correctional institutions.
- (5) Purchases under state and county contracts.
- (6) Surplus and secondhand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented, in writing, by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

Requests for Proposals or Quotations; Exceptions.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- A. Purchase contracts over \$20,000 and public works contracts over \$35,000.
- B. Goods purchased from correctional institutions pursuant to § 186 of the Correction Law.
- C. Purchases under state contracts pursuant to § 104 of the General Municipal Law.
- D. Purchases under county contracts pursuant to § 103, Subdivision 3, of the General Municipal Law.

E. Purchases pursuant to § 103-6 of this chapter.

Methods of Purchase

A. PURCHASES OF GOODS/EQUIPMENT/COMMODITIES - \$20,000 OR LESS

UNDER - \$3,000	Awarded at the discretion of the Purchasing Agent.*
\$3,001 - \$20,000	Minimum of three (3) quotes. Written, email or facsimile. Awarded at the discretion of the Purchasing Agent.*
OVER \$20,000	Sealed, Public bid in accordance with GML §103

If the required number of proposals or quotations cannot be obtained, the attempt made at obtaining them shall be documented and made a part of the procurement file. In no event shall the inability to obtain the proposals or quotation be a bar to the procurement.

*The Purchasing Agent may determine more stringent procurement requirements are in the best interest of the city.

A. PURCHASES OF PUBLIC WORKS/SERVICES - \$35,000 OR LESS

“Public Works” relates to most service contracts, and is not limited to contracts for construction and building services.

UNDER \$10,000	Department should negotiate with the vendor.* Department may recommend Award. Contract Awarded at the discretion of the Purchasing Agent.
\$10,001 - \$35,000	Obtain three (3) written quotes/proposals.* Department may recommend Award. Contract Awarded at the discretion of the Purchasing Agent.
OVER \$35,000	Sealed, Public bid in accordance with GML §103

*The Purchasing Agent may determine more stringent procurement requirements are in the best interest of the City.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If purchasing is unable to obtain the required number of proposals or quotations, the Purchasing Agent will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Professional Services

When procuring the services of accountants, lawyers, engineers, or any other profession that requires licensing, specialized skills and training, expertise, judgment, discretion, a relationship of personal trust or confidence, or a high degree of creativity in the performance of the services (as defined in the New York State case law or Opinions of the New York State Comptroller), the department must procure such services in accordance with the procedures below, unless otherwise directed by the Purchasing Agent. Questions as to whether or not the services may be considered “professional services” should be directed to the Purchasing Agent, who shall have the sole authority to make that determination. The Purchasing Agent may also consult with the Corporation Counsel office in this respect for advice in making a determination.

UNDER \$3,000	Department negotiates with the Firm and processes Contract through Purchasing. All contracts must be approved by the Mayor.
\$3,000 - \$35,000	Department negotiates with the Firm and processes the Contract through Purchasing. Obtain three (3) quotes/proposals when possible. Although not required, if it is determined to be in the best interest of the city, a procurement action using the Request for Proposals (RFP) method is allowable.* All contracts must be approved by the Mayor.
OVER \$35,000	A written Request for Proposals (RFP) is issued through Purchasing. Refer to Section II page 19 for details of the RFP process. In certain cases the Mayor may waive this requirement. Purchasing shall document the method for each procurement action. All contracts must be approved by the Mayor.

*A good-faith effort shall be made to obtain the required number of proposals or quotations. If purchasing is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Section IV

PROCEDURES FOR HANDLING BIDDING PROTESTS and APPEALS

I. Policy

It is the policy of the City of Kingston Purchasing Department to provide all bidders with an opportunity to administratively resolve complaints or inquiries related to bid solicitations or pending contract awards. City of Kingston Purchasing encourages bidders to seek resolution of complaints concerning the contract award process through consultation with the Purchasing Department. All such matters will be accorded impartial and timely consideration.

II. Informal Complaints/Protests

It is strongly recommended that staff encourage, be receptive to and resolve issues, inquiries, questions and complaints on an informal basis, whenever possible. Information provided by any interested party should be fully reviewed by Purchasing Agent. As appropriate, our responses to the inquirer should indicate the existence of a formal protest policy available to them should the informal process fail to resolve the matter. Staff should document the subject matter and results of any informal inquiries.

III. Formal Protests

Bidders may file formal written protests. Final City determinations or recommendations for award generally may only be reconsidered in the context of a formal written protest.

Any potential bidder, who believes it has been aggrieved in the drafting or issuance of a bid solicitation, or by a pending contract award, may present to the City of Kingston Purchasing Department, a formal complaint and request for administrative relief concerning such action ("FORMAL PROTEST").

A. Submission of Protests:

1. Concerning Bid Documents: Formal protests which concern the drafting of bid solicitations must be received by City of Kingston Purchasing at least ten (10) business days before the date set in the solicitation for receipt of bids. If the date set in the solicitation for receipt of bids is less than ten (10) business days from the date of issue, formal protests concerning the bid document must be received by City of Kingston Purchasing at least twenty-four (24) hours before the time designated for receipt of bids.

Concerning Proposed Contract Award: Formal protests concerning a pending contract award must be received within ten (10) business days after the protesting party ("protester") knows, or should have known of the facts which form the basis of a protest.

2. A formal protest must be submitted in writing to City of Kingston Purchasing by mail, or facsimile transmission.
3. A formal protest must include:
 - (a) a statement of all grounds for disagreement with a City of Kingston Purchasing bid solicitation or procurement determination,
 - (b) a description of all remedies or relief requested, and
 - (c) all applicable supporting documentation.
4. Protests should be delivered to the City of Kingston Purchasing Agent at the following address:

City of Kingston Purchasing Department

420 Broadway

Kingston, NY 12401

Facsimile: (845) 334-3944

Phone: (845) 334-3943

B. Review and Determination

1. Protests may be resolved through verbal or written correspondence, and/or either the protester or City of Kingston Purchasing may request a meeting to discuss a formal protest, at which time the participants may present their concerns. Where further formal resolution is required, the Purchasing Agent shall assign another City Official not involved in the procurement action to determine and undertake the resolution or settlement of any protest relative to bid solicitations or pending contract awards.
2. The Purchasing Agent will conduct a review of the records involved in the protest and create a memorandum summarizing the results of the review and her/his recommendation for resolution.
3. Acceptable Activity Prior to Final Determination: If a formal bid protest is received by City of Kingston Purchasing a final determination on the protest should be made prior to approval of the award. However, during the pendency of the protest, bid evaluation and review of the recommended award may continue to be conducted at the discretion of the Purchasing Agent.
4. Notice of Decision: A copy of the decision, stating the reason(s) upon which it is based and informing the protester of the right to appeal an unfavorable decision to the Purchasing Agent shall be sent to the protester or its agent within thirty (30) business days of receipt of the protest, except that upon notice to the protester

such period may be extended. The protest determination should be recorded and included in the Bid file.

5. The City of Kingston Purchasing Department reserves the right to waive or extend the time requirements for decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant.

The City of Kingston Purchasing Department will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action including solicitation of bids or withdraw the recommendation of contract award prior to issuance of a formal protest decision.

If the City of Kingston Purchasing Department determines that there are compelling circumstances, including the need to proceed immediately with contract award in the best interest of the City, then these protest procedures may be suspended and such determination shall be documented in the Bid file.

C. Appeals

1. Should the protester be dissatisfied with the protest determination, a written appeal therefrom may be directed to:

City of Kingston Mayor's Office

420 Broadway
Kingston, NY 12401

2. Written notice of appeal of a determination regarding bid solicitations or a pending contract award must be received at the above address no more than fifteen (15) business days after the date the decision is sent. The decision of the Purchasing Agent shall be a final and conclusive agency determination unless appealed to the Mayor within such time period.
3. The Mayor shall hear and make a final determination on all appeals. The Mayor may designate a person or persons to act on his/her behalf.
4. A formal protest appeal may not introduce new facts unless responding to issues raised by the Purchasing Agent in the initial protest determination.

D. Records Retention

All records related to bidder protests and appeals shall be retained for at least one (1) year following resolution of the protest. All other records shall be retained according to the Records Retention Policy in place at the time.

Section V

Procurement Card Program

PURPOSE

SCOPE

APPLICABILITY

BACKGROUND

RESPONSIBILITIES

AUDIT REQUIREMENTS

ASSIGNMENT AND CONTROL OF THE PROCUREMENT CARD

CARD HOLDER USE OF THE PROCUREMENT CARD

PROHIBITED USE OF THE PROCUREMENT CARD

PROCEDURES FOR MAKING AND PAYING FOR PURCHASES

PROCEDURES FOR DISPUTES

REVIEW OF PURCHASES BY DEPARTMENTS

APPENDIX A – PROCUREMENT CARD PROGRAM FORMS

I. PURPOSE:

The purpose of the City Procurement Card Program is to improve efficiency and streamline the purchasing process of small dollar items, thereby reducing the volume of individual purchase orders and payments processed by the City to suppliers. This program allows the cardholder to purchase approved commodities and services costing **\$500 or less**, directly from City suppliers. Each purchasing card is issued to a named individual and is designated with "City of Kingston" clearly shown on the card as the Governmental buyer of goods and services. The Purchasing Agent and the City Comptroller will monitor the performance of the program.

The intent of the Procurement Card Program is to provide an efficient method of purchasing and paying for goods and services **costing \$500 or less**. Exceptions to these limits may be allowed for emergency purchases, law enforcement extraditions, vendors who only accept credit cards as a form of payment, or particular vendors from whom it is impractical or unacceptably burdensome to receive signed vouchers, and for special contract incentives that provide the City with additional discounts. Any such exceptions shall be approved in advance, by either the City Comptroller and the Purchasing Agent. The use of procurement cards will:

- Reduce the need for petty cash accounts;
- Provide a better audit trail of low dollar purchases formerly made with Petty Cash;
- Reduce the cost of processing routine transactions;
- Decentralize purchasing authority for routine transactions **up to \$500**;
- Ensure purchasing card purchases are in accordance with the City's Purchasing Policy and Procedures;
- Provide for disciplinary action for misuse of the purchasing card;

Use of the card will obligate the City to make payment for the goods and services received. M&T Bank will bill the Comptroller's Office for all Purchases made during the billing period.

The Comptroller's Office will allocate the charges back to individual department accounts for purchases made using the department's cards.

II. SCOPE

This policy will be applicable to those City departments who have requested and have been approved to use procurement cards to purchase goods and services for specific expenditures incurred under conditions approved by this policy.

III. APPLICABILITY

This Policy applies to all agencies and departments within City government, with the exception of the Kingston Water Department. The policies and procedures provided herein are minimum standards. Departments may establish additional controls if necessary.

IV. BACKGROUND

The Purchasing Department has used various methods to accomplish the purchase of goods and services. The method of purchase requisitioning, has proven to be time consuming and costly. To promote operational efficiency and vendor acceptance the Purchasing Department and Comptroller's Office are initiating a Procurement Card program.

The Procurement Card system simplifies the procurement/disbursement process. Procurement responsibility is delegated to the ordering Department enabling an authorized cardholder to place an order directly with the vendor. When a purchase authorization is requested by the supplier at the point-of-sale, the Visa Procurement Card system checks the transaction against preset limits. Transactions are approved or declined (electronically) based on the Procurement Card authorization criteria established.

The authorization criteria may be adjusted periodically as needed and shall include, but is not limited to, the following:

- Card purchase limit as set by the Purchasing Office and City Comptroller
- Single purchase limit as set by the Purchasing Office and City Comptroller
- Approved Merchant Category Codes

The authorization process occurs through the electronic system that supports the Procurement Card processing services under the City's agreement with the bank.

V. RESPONSIBILITIES

The following are the responsibilities of the individuals and City Departments involved in the Procurement Card program.

1) Cardholder and or Department Representative (Individual(s) designated by Department Head)

- Hold and secure procurement card issued to self
- Ensure availability of funds and proper account codes
- Order/receive materials and services
- Inspect all ordered goods and services, making sure there are no sales tax or backorders
- Collect, save sales receipts, and invoices
- Match receipts with monthly card statement
- Review monthly statements for validity of all transactions

- Process all billing statements in a timely manner
- Identify disputed charges
- Review monthly charges with supervisor
- Comply with all purchasing and procurement card policies and procedures.

2) Department Representative [Individual(s) designated by Department Head]

- Acts as the Department or Division contact & coordinator in matters pertaining to the Procurement Card Program
- Review monthly statement with cardholder
- Make sure there are no sales tax or back-orders
- Ensure availability of funds in proper account codes
- Approve the monthly statement authorizing charges
- Verify the appropriateness of account codes (i.e., Fund/Department/Cost Center /Object Code)
- Forward payment authorization, summarized reconciliation of statement(s) and supporting receipts to Department Head or Designee for review and signature, then forward to the Procurement Card Administrator
- Provides annual review/training on use of cards, as needed.
- Comply with all purchasing and procurement card policies and procedures

3) Department Head

- Request Procurement Cards for designated employee(s)
- Request Card spending limits within established guidelines
- Designate representatives responsible for authorizing charges and changes, (Designee)
- Collect cards from cardholders who end employment
- Evaluate the need to cancel or reissue cards when employees transfer
- Notify the Procurement Card Administrator of terminated cards
- Comply with all purchasing and procurement card policies and procedures
- Each department will establish internal controls to review purchases
- "Extraordinary or Emergency" purchases exceeding established limits will be processed through the Purchasing Department.

**4) Procurement Card Administrator and Purchasing Department
(Appointed by the Comptroller)**

- Coordinate program policy issues
- Forward Procurement Card Transfer Requests to Comptroller's Office
- Update Authorized Cardholder List and annual limits
- Provide initial training on use of card
- Coordinate issuance and cancellation of cards
- Target new cardholders and expanded use of card
- Maintain policy and cardholder guidelines/manuals
- Evaluate procurement card feedback from suppliers and from departments
- Monitor missing documentation and notify the Cardholder
- Notify the Department Head of any violations or discrepancies
- Pursue supplier discount opportunities

- Monitor and maintain cardholder accounts and access (e.g. transaction limits, annual limits and reporting access)
- Establish and monitor benchmarking objectives
- Conduct semi - annual inventory of procurement cards in conjunction with the Purchasing Agent.

5) Comptroller's Office

- Monitor charges for proper account codes and fund availability
 - Receive approved monthly statements from all card holders
 - Receive consolidated statements from procurement card administrator
 - Confirm that all charges are authorized by department representatives
 - Notify departments when approved monthly statements are not received
 - Pay all monthly charges from consolidated statement
 - Process accounting data
 - File and store statements, receipts, etc.
-
- Monitor missing documentation and notify the Procurement Card Administrator
 - Notify the Procurement Card Administrator of any violations or discrepancies

VI. ASSIGNMENT AND CONTROL OF THE PROCUREMENT CARD

1. REQUESTS FOR AND ISSUANCE OF PROCUREMENT CARDS

- a. Standard Procurement cards will be issued to individual employees who frequently purchase goods and services in single purchase amounts of **\$500** or less.
- b. The procurement card will have the employee's name, the City name, notation stating the City's tax exempt status, and the expiration date embossed on the face of the card.
- c. All requests for new card holders, changes to current cardholders, or changes to authorization must be made by the Department Head or Designee by submitting a completed application and request for transfer of funds forms (see Appendix A) to the Procurement Card Administrator.
- d. When the Procurement Card Administrator receives a procurement card from the issuing card company, the cardholder will be required to personally take receipt of the card and sign the receipt form.
- e. The Procurement Card Administrator will notify the requesting department and the Finance Department upon the issuance of all procurement cards.

2. LOST OR STOLEN PROCUREMENT CARDS

- a. If a procurement card is lost or stolen, the cardholder or department representative must immediately notify the procurement card company – and the Procurement Card Administrator of the loss.
- b. The cardholder will be responsible for reporting all information necessary to reduce the liability to the City for a lost or stolen card.
- c. Disciplinary action will be taken in the event that the Procurement Card Administrator or bank is not notified.

3. TERMINATION OR TRANSFER OF CARDHOLDER

When an employee ends his or her employment or is transferred to another department, and does not require the card in the new position, the Department Head must collect the procurement card and destroy it. The department must then submit the destroyed card to the Procurement Card Administrator, who will notify the bank to cancel the card.

If the department is unable to collect the procurement card when an employee terminates, the Department Head must immediately notify the Procurement Card Administrator. The Procurement Card Administrator will ensure that the card is cancelled.

VII. CARDHOLDER USE OF PROCUREMENT CARD

1. CARDHOLDER USE ONLY

The procurement card shall be used only by the employee whose name is embossed on the card. No other person is authorized to use the card. The cardholder is responsible and accountable for all transactions that occur on his/her card. The cardholder shall be held personally responsible for inappropriate charges.

Upon receipt of the Procurement Card, the cardholder should sign the back of the card.

2. CITY PURCHASES ONLY

The procurement card is to be used for City authorized purchases only. The procurement card cannot be used for any personal use and any such use will require immediate reimbursement and shall result in disciplinary action.

3. STANDARD SPENDING LIMITS

The Procurement Card Administrator and Department Head approving the assignment of a procurement card will set the annual limit for each cardholder. The maximum limit per transaction shall be **\$500**.

Requests for spending limit changes shall be initiated by a memo or email to the Procurement Card Administrator by the Department Head or Commissioner.

A purchase may be made of multiple items, but the invoice cannot exceed **\$500** or the cardholder's limit if less. Splitting charges will be considered abuse of the purchasing card program, for example, artificially dividing similar purchases over different days and times to keep the total amounts below the limits for single purchases.

4. PROHIBITED USES OF PROCUREMENT CARDS

The following types of items will not be purchased with a procurement card, regardless of the dollar amount:

- a. Alcoholic Beverages
- b. Any Items for Personal Use
- c. Cash advances
- d. Professional Services
- e. Meals

5. VIOLATIONS

1. Using the Procurement Card for personal purchases.
2. Using the Procurement Card for purchases which are not Point of Sale Transactions.
3. Use of the Procurement Card by a suspended or terminated employee.
4. Assignment or transfer of an individual card to an unauthorized individual.
5. Making standard purchases that exceed the transaction limit of **\$500**. It is the responsibility of the ordering department to ensure all "extra" charges such as freight handling, set up, etc. are considered before a procurement card transaction is made. A vendor's willingness to honor a procurement card transaction exceeding **\$500** does not authorize departments to make such purchases.
6. Purchases from vendors that create conflicts of interest.
7. Multiple procurement card transactions (splitting) to circumvent the limit.
8. Procurement card transactions referenced in "Prohibited Uses of Procurement Cards".
9. Failure to produce proper documentation, receipts, invoices, monthly statements in a timely fashion, to the Comptroller's Office.
10. Failure to report lost or stolen procurement card as herein stated.

VIII. PROCEDURES FOR MAKING AND PAYING FOR PURCHASES

1. GENERAL INFORMATION

When using the procurement card, the department will make the purchase at the best possible price.

2. DOCUMENTATION OF OVER-THE-COUNTER PURCHASES

- a. When a purchase is made, the cardholder must obtain the customer's copy of the charge slip in addition to the detailed invoice/receipt. The charge slip or related cash register slip/receipt must show in sufficient detail the type and number of items

purchased with the unit cost. Should a detailed receipt not be available, the cardholder shall submit a written detail along with the receipt.

- b. The charge slip and detailed invoice/receipt will be retained by the cardholder or by the department representative until forwarded to the Procurement Card Administrator in the PLOT (Procurement Log of Transactions) envelope with the monthly statement. The City is exempt from sales tax. The cardholder must ensure that the vendor is aware of this.

3. TELEPHONE ORDERS

When placing a telephone order, the cardholder must confirm that the vendor will charge the procurement card when the item is shipped. Absolutely no back-orders will be allowed. Ensure the vendor knows that the City does not pay sales tax.

4. MISSING DOCUMENTATION

If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must try to obtain a copy and if this is not possible, a description of the purchase must be attached. The description will include a description of each item, the number of items purchased, the unit cost, the date of purchase, the vendors name and why there is no supporting documentation. Continued incidents of missing documentation shall result in the cancellation of the employee's procurement card.

5. STATEMENT AND PAYMENT PROCEDURES

- a. The procurement card administrator will forward the consolidated statement for each billing cycle to the Comptroller's Office. Cardholders and or Department Representatives will be notified via email that their statements are available for reconciliation. The statement will list all transactions processed during the current billing cycle. If no purchases were made on the procurement card during the billing cycle, no statement of account will be generated unless adjustments for previously billed transactions have been processed during that cycle.
- b. The cardholder must review the statement and note any errors and apply the appropriate the accounting code (object of expense) for each transaction. Procurement card slips/receipts for all transactions listed on the statement should be placed in the PLOT envelope. The cardholder shall mark the statement reviewed, attach the statement to the outside of the PLOT envelope, and forward for approval within five (5) working days after statements become available. The Department Representative and the Department Head or Designee shall review and approve the statement. By signing the statement the designated department representative and Department Head or Designee are certifying that all charges are appropriate, funds are available, and payment is authorized based on the attached receipts. Once all reviews are completed, the statements and forms shall be summarized for the department (like Department and object of expense Codes grouped) and forward to the Purchasing Department within seven (7) working days after notification. The Procurement Card Administrator will reconcile the City wide combined statement and forward all to the Comptroller's Office within five (5) working days.

- c. The Comptroller's Office will ensure that the procurement card charges are paid on a timely basis and that the consolidated statement received is reconciled against the individual cardholder statements forwarded from the departments. Department Heads will be notified when individual statements are not received in the allotted time. Continued failure to meet the seven (7) working day deadlines may result in the revocation of procurement cards at the discretion of the Procurement Card Administrator.

6. RETURNS

All returns of merchandise must be credited back to the Procurement card.

7. DISPUTES

1. If items purchased with the procurement card are defective, the cardholder must return the items(s) to the vendor for replacement or credit. If the service paid for with procurement card is faulty, the vendor must be notified and asked to correct the situation or provide a credit. If the vendor refuses to replace or correct the faulty item or service, the purchase will be considered in dispute.
2. It is essential that the time frames and documentation requirements established by the procurement card issuer be followed to protect the cardholder's rights in dispute. The bank must be notified of disputes within 60 days of receipt of the statement.
3. The cardholder contacts the Merchant about the transaction and supplies the necessary information to begin the resolution process, and; only if a resolution can not be reached, the cardholder completes a Dispute Form and faxes it to the Purchasing Department explaining the reason(s) for the dispute as well as a copy of the statement if the item has posted. The Purchasing Department will contact the bank. The bank will then place the transaction into a dispute status.
4. A disputed item must be explained with a note on the cardholder's statement of account before the statement is forwarded to the Purchasing Office and the Comptroller's Office for payment.
5. If an agreement cannot be reached the following steps will be completed:

Based on the present Visa procedures for disputing transactions, all charges must be disputed within 60 days of receipt of the paper billing statement. Disputed items are not removed from the invoice and are still due and payable upon receipt of your monthly invoice.

A cardholder can initiate a dispute by contacting M&T's Commercial Card Customer Service at 1-800-443-8671 to close and reissue the card and identify the transactions that need to be disputed. You will be notified upon resolution of the dispute in writing.

- a. If there continues to be a problem with a particular merchant, the cardholder should notify the Procurement Card Administrator of the problems.

IX. REVIEW OF PURCHASES BY DEPARTMENTS

1. Because of their knowledge of the job responsibilities and requirements, department representatives are required to review each procurement card expenditure (item purchased, amount, and vendor) to ensure the goods or services were necessary, and for official use.
2. When purchases are questioned, the Department Head or designated department representative will be responsible for resolving the issue with the cardholder. If the Department Head cannot be satisfied that the purchase was necessary and for official use, the cardholder must provide a credit voucher proving the item(s) were returned for credit.
3. All misuse must be reported to the Procurement Card Administrator by the Department Head or Designee, or the Comptroller's Office.

X. PURCHASING DEPARTMENT USE OF CARD & SPECIAL CARD USAGE

1. The Purchasing Agent shall be issued a card, for use during declared emergencies, with a card limit of \$50,000.
2. The Purchasing Department shall be able to use the procurement card for purchases if the vendor accepts no other form of payment.

Section VI

Disposition of Surplus Personal Property

I Purpose

No statute prescribes a procedure for the sale of unneeded decommissioned City personal property, and therefore, there is no statutory mandate that such property be sold only after public advertisement for sealed bids or advertisement for public auction. The method chosen for sale is within the sound discretion of the Purchasing Agent, subject to the approval of the Mayor. However, in order to fill a fiduciary duty, the method of sale adopted should be one which is thought to bring the best price or maximum benefits and may include sale by auction, private negotiation, or competitive bidding.

II Procedures for determining whether dispositions should be subject to sealed bidding or public auction.

The procedure for determining whether the disposition of unneeded and decommissioned personal property should be subject to competitive bidding or public auction is to obtain an independent source the estimated dollar value of the item(s) to be disposed; if the independent estimate is more than \$10,000, the item(s) to be disposed of should be advertised for competitive bid sale or public auction. The estimate obtained, indicating the source, date and amount, will be documented as part of the disposition record.

III Methods of competition to be used for non-bid or auction dispositions

A. The methods of disposition to be used are as follows:

- (1) For dispositions with an estimated value greater than \$3,000 but less than or equal to \$10,000, there shall be required a written offer for sale and a written offer to purchase from three suppliers;
- (2) For dispositions with an estimated value more than \$1,000 but less than or equal to \$3,000, there shall be required a verbal offer for sale and a verbal offer to purchase from three suppliers;
- (3) For dispositions with an estimated value less than or equal to \$1,000, the decision will be left to the discretion of the Purchasing Agent.

B. A good faith effort shall be made to obtain the required number of offers to purchase. If the City is unable to obtain the required number of offers to purchase, the attempts made shall be documented and become part of the disposition record. In no event will the inability to obtain the required number of offers to purchase be a bar to the disposition.

C. The above notwithstanding, the Purchasing Agent, at his/her discretion, may require standards which exceed those presented in this policy.

IV Adequate documentation

Documentation of actions taken in connection with each method of disposition is required, as follows, and will be maintained as part of the disposition record:

A. Where a written offer for sale is required or made, a copy of that written offer for sale, and any written offer for purchase submitted by suppliers in response to that request.

B. Where a verbal offer for sale is required or made, a listing of the suppliers contacted and the response, if any, that each supplier made.

C. Any memorandums, forms, notations, or other documentation used in establishing the basis of the disposition decision.

D. No documentation, other than the independent estimate itself, is required when the disposition is left to the discretion of the Purchasing Agent.

V Awards to other than highest responsible dollar offerer

Whenever any disposition is awarded to other than the highest responsible dollar offerer, the reasons such an award furthers the purpose of the City as set forth hereinabove shall be documented by the Director of Purchasing and be maintained as part of the disposition record.

VI Items exempted from disposition policies and procedures.

The Common Council will set forth, by resolution, circumstances when, or types of dispositions for which, in the sole discretion of the governing body, the solicitation of alternative offers to purchase will not be in the best interest of the City. Such resolution will state the reasons for such conclusion, and will become an attachment to the disposition record.

Communication from Alderman Patrick O'Reilly to Alderman At-Large James Noble

Re: Motion to Reconsider

Alderman At-Large Noble,

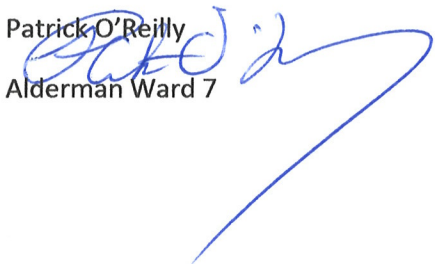
As per your recommendation at our common council meeting on January 9th 2018, I am submitting a communication to revisit the zoning issue of the Alms house, 300 Flatbush Ave, after the city received a decision from the courts written by Judge Mott. Our common council was advised by Corporation Counsel on January 8th, 2018 that we had no option to re-vote. I would like to make a motion that we as a newly elected body, by the citizens of our community, revisit the determination by the President of the common council, bases on erroneous advice of the Corporation Council that there was no option to revote. Without specific mention by Judge Mott, the Corporation Council's lack of specific legal reference leads me to believe this is a matter which should be reconsidered by our laws and rules committee for further review of the merits of RUBCO's zoning request. Upon such a review this request could then move back to the newly elected Common Council for a re-vote beyond a reasonable doubt and with majority rules.

I hope my communication won't be considered lightly and look forward to a response in due time.

Respectfully submitted,

Patrick O'Reilly

Alderman Ward 7



CITY OF KINGSTON
Office of the City Clerk
Registrar of Vital Statistics
cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Carly J. Winnie, City Clerk/Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

February 2, 2018

James Noble, President
Kingston Common Council
420 Broadway
Kingston, NY 12401

Dear President Noble,

There are two microphones from the Common Council sound system, which are irreparable and need replaced as soon as possible. The attached quote #2649868 shows a cost of \$1,179.90 for two replacement microphones and receivers.

I have also attached quote #2964868 in the amount of \$1,678.85 for equipment to support the previously purchased video camera with wireless audio feed and to upgrade the current mixer to a 16-channel mixer. These upgrades were proposed by Kale Koposhilin and others to help eliminate hum and simplify microphone setup.

I respectfully request that you forward this to the Finance and Audit Committee for consideration.

Thank you,

Carly Winnie
City Clerk

RESOLUTION #16 of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE ADOPTION OF A BOND ORDINANCE IN THE SUM OF \$50,000 FOR
THE TWAALFSKILL CREEK DRAINAGE ANALYSIS PROJECT AND AUTHORIZING
THE MAYOR TO EXECUTE RELATED DOCUMENTS

Sponsored by Finance and Audit Committee:
Aldermen Koop, Scott-Childress, Davis, Schabot, O'Reilly

WHEREAS, the Twaalfskill Creek is a major stormwater conveyance structure with multiple tributaries; and

WHEREAS, the Twaalfskill Creek passes under City streets at five locations, three of those locations being culverts with known capacity deficiencies and two of the three being structurally inadequate; and

WHEREAS, the proposed work will identify stormwater flows along the entire reach, identify channel capacities and instabilities as well as stormwater structure and associated inlet capacities for future improvements; and

WHEREAS, bonding is requested in the amount of \$50,000 to cover estimated costs plus contingencies

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council authorizes the amount of \$50,000.00 to be provided through General Municipal bonding to the Twaalfskill Creek drainage analysis project

SECTION 2. That the Mayor is authorized to enter into contract with Tighe & Bond and execute related documents

SECTION 3. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day of _____, 2018

Approved by the Mayor this _____ day of _____, 2018

Carly Winnie, City Clerk

Steven T. Noble, Mayor

Adopted by Council on February 6, 2018

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION X
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST X
OTHER _____

DEPARTMENT ENGINEERING

DATE 1-24-2018

Description: THE TWAALFSKILL CREEK IS A MAJOR FORM-
WATER CONVEYANCE STRUCTURE WITH MULTIPLE
TRIBUTARIES. THE TWAALFSKILL CREEK PASSES UNDER
CITY STREETS AT FIVE LOCATIONS, THREE OF THOSE
LOCATIONS ARE CONCRETE WITH KNOWN CAPACITY
DEFICIENCIES, TWO OF THE THREE STRUCTURALLY
INADEQUATE.

Estimated Financial Impact \$18,900.-

Signature [Signature]

Motion by SS

Seconded by RS-C

Action Required:

SEQRA Decision:

Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
<u>DA Koop</u> Douglas Koop, Chairman	✓	
<u>Reynolds Scott-Childress</u> Reynolds Scott-Childress Ward 3	✓	
<u>Anthony Davis</u> Anthony Davis, Ward 6	✓	
<u>Patrick O'Reilly</u> Patrick O'Reilly, Ward 7	✓	
<u>Steven Schabot</u> Steven Schabot, Ward 8	✓	

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT ENGINEERING DATE 1-24-2018

Description: THE PROPOSED WORK WILL IDENTIFY STORMWATER FLOWS ALONG THE ENTIRE BEACH, IDENTIFY CHANNEL CAPACITIES AND INSTABILITIES AS WELL AS STORMWATER STRUCTURE AND ASSOCIATED INLET CAPACITIES FOR FUTURE IMPROVEMENTS.

AUTHORIZES \$48,900.00 IN FUNDING, AUTHORIZED THE MAYOR TO ENTER INTO CONTRACT WITH TRAC & BOND

Estimated Financial Impact \$48,900.- Signature [Signature]

Motion by _____

Seconded by _____

Action Required: _____

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

CITY OF KINGSTON
Office of the City Engineer
rswenson@kingston-ny.gov

Ralph E. Swenson, P.E., City Engineer



Steven T. Noble, Mayor

December 21, 2017

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: Twaalfskill Creek Drainage Analysis Proposals

Dear President Noble:

The Twaalfskill Creek Drainage Analysis Selection Committee has reviewed six (6) Expressions of Interest and interviewed three (3) eligible firms for the proposed work. The work will include:

- Delineation of contributing watersheds;
- Documentation of Existing Conditions;
- Calculation of stormwater runoff and resulting flood routing, and the capacity analysis of the stream channel and control structures;
- Recommendation of Improvements; and
- Final Report summarizing individual tasks.

The Committee recommends the firm Tighe & Bond in the amount of \$48,900.00.

As previously stated, this work will identify the flow capacity boundary conditions for future repairs/replacements of the Chapel Street Culvert, the Brook Street Culvert, the South Wall Street Culvert, and the uncontrolled channel meandering along Wilbur Avenue identified on our Capital Projects List.

Please forward to the appropriate Common Council Committee for further discussion and recommendation.

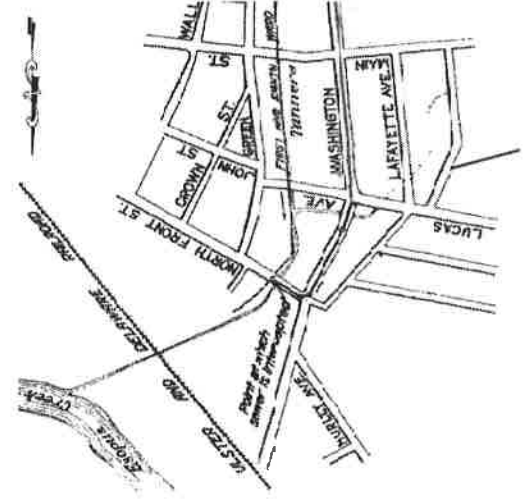
Respectfully Submitted,

Ralph Swenson
City Engineer

Cc: Steven T. Noble, Mayor
Douglas Koop, Chair, Finance Committee
John Tuey, Comptroller

Interview Documents

Twaalfskill Creek Stormwater



GENERAL FIRM OVERVIEW



Engineering History

Our company was founded in 1911 by James Tighe, well-respected for his role in developing the water supply, distribution and treatment system for the rapidly growing city of Holyoke, Massachusetts, called the finest system in New England. In 1926, he formed a partnership with Philip Bond, who added expertise in municipal engineering.

Over the years, Tighe & Bond has evolved to specialize in environmental engineering and consulting, focusing on water, wastewater, solid waste and hazardous waste, while continuing to provide expert civil engineering services. We have further enhanced our service offerings to include Geographic Information Systems (GIS), geotechnical, structural and electrical engineering. Known for designing innovative strategies for water systems, residuals management and remediation, the firm has provided consulting services to a wide variety of government, institutional and industrial clients across the region.

One of the oldest continuously operating engineering firms in the Northeast, Tighe & Bond has built a reputation upon the technical knowledge, experience and capabilities we bring to each project we undertake, as well as the service we provide. Seasoned project managers, supported by project directors (principals of the firm) and experienced engineers and scientists on each and every project assure continuity, accountability, and high quality service.

Water Resources

Tighe & Bond provides many communities with comprehensive engineering services to ensure residents an adequate supply of quality drinking water, in compliance with federal and state regulations. We assess existing supplies with hydrogeologic or hydrologic studies and water rate and cost of service studies. We plan, permit and design treatment, storage and distribution systems. Conducting pilot plant treatability studies, we determine system effectiveness for new supplies and existing supplies that can be improved through the use of new water treatment technologies. Tighe & Bond also assists cities and towns by negotiating water treatment or purchase agreements with other communities, assisting with permitting, researching and accessing all available funding opportunities.



For the city of Holyoke, MA, Tighe & Bond planned and designed comprehensive water system improvements, including a 6-mile, 42-inch diameter raw water transmission main, 15 million gallon per day treatment plant, 10 million gallon storage facility and several pumping stations.

GENERAL FIRM OVERVIEW

MISSION

To provide sound, creative, and sustainable solutions to diverse civil engineering and environmental problems, emphasizing personal service to our clients, while bringing financial and professional rewards to our employees.

Wastewater

Tighe & Bond designs efficient, cost-effective wastewater treatment systems to achieve compliance with federal, state and local regulations. Our projects range from small industrial pretreatment systems to large municipal treatment facilities. For many cities and towns, we have prepared detailed facilities plans and permit applications, assisted in obtaining funding, completed detailed design of collection, pumping and treatment facilities, and provided construction oversight and startup services. The firm designs and builds turnkey systems, and provides consulting services which include plans and specifications, bidding and construction supervision, startup oversight, operator training and permitting.



Tighe and Bond designed and supervised construction of the two largest wastewater residuals drying facilities in the world, the 240 dry ton per day facility for the Massachusetts Water Resources Authority in Quincy, MA, and the 300 dry ton per day facility for the New York Organic Fertilizer Company, Bronx, NY.

Solid Waste

Well-engineered solid waste management plans are necessary for communities to deal with rising disposal costs and increasing environmental regulation. Tighe & Bond develops comprehensive, innovative strategies to help communities plan for current and future solid waste disposal needs, including transfer stations and procurement of transportation and disposal contracts. Volume reduction tactics, such as post-consumer recycling and composting, are an integral part of our plans. We engineer new landfills and expansions of existing landfills from initial surveys and hydrogeologic studies through construction, and provide operation assistance. Closure plans include cap design and landfill gas venting and treatment systems, as well as environmental monitoring systems. Our team of experts handles permitting, oversees construction and any ongoing monitoring required.



Tighe & Bond designed a comprehensive site assessment and closure of a 44-acre landfill in Westfield, MA, incorporating an innovative active gas collection system for power generation and reclamation of costs.

GENERAL FIRM OVERVIEW

Environmental, Health and Safety Services

Tighe & Bond's environmental expertise spans many disciplines, and allows us to deliver invaluable services to our clients. With environmental engineers and scientists, we provide expert advice to help organizations and communities comply with complex, changing federal and state regulations and avoid costly penalties and fines. We conduct audits to evaluate current compliance status and work with clients to develop comprehensive environmental management systems tailored to minimize regulatory risk. We also address our clients' remediation needs, assessing sites for potential contamination and designing innovative, cost-effective solutions for remediation of groundwater and soil. The firm provides emergency response and due diligence, and consults on projects from Brownfields to underground storage tanks. We also design and build turnkey remediation systems, and are often called upon to provide expert testimony and litigation support.



At Malden Mills, the worst fire-related disaster in Massachusetts' history, Tighe & Bond supervised a fast-tracked remediation strategy that incorporated recycling for cost minimization. We continue to advise Malden Mills on environmental, health and safety compliance issues, and provide additional services that include toxics use reduction planning and training.

Parking

Tighe & Bond has consulted on parking needs for a long list of public and private clients, including major airports, hospitals, universities and shopping centers. Our designs for multilevel parking structures and surface lots ensure good access and circulation for cars and pedestrians. We also conduct parking demand analyses and financial feasibility studies, evaluate and design revenue control systems, and develop management, operation and regulation procedures.



For the Massachusetts Bay Transportation Authority's Alewife Station Tighe & Bond provided functional design services for a 2,000-space park and ride garage which included spiral access, bus terminal, subway station interface and highway connection. The project was the recipient of a Presidential Design Award from the National Endowment for the Arts and an Award for Excellence from the International Parking Institute.

Traffic

The firm provides experienced traffic engineering services to corporate, institutional and municipal clients as well as commercial developers. Our traffic impact studies include estimates of traffic generation, approach distribution and street assignment, selection of entrance and exit locations and traffic operations requirements. We deliver traffic signal designs with plans and specifications. We serve as public agency liaisons, and are frequently called upon to provide expert testimony.

GENERAL FIRM OVERVIEW



For Yale University and the city of New Haven, CT, the firm provided functional design for Broadway, including lane arrangements and signal system phasing and timing. This traffic, pedestrian, parking and street beautification project won an AIA award for Architecture in the Community.

Site Development and Civil Engineering

For close to a hundred years, Tighe & Bond has engineered the infrastructure of countless cities and towns throughout New England. We've designed roads, bridges, and drainage management systems, dams, industrial parks and academic facilities and all the utilities they require. We provide site planning services, cost-effective design, bid supervision and construction oversight. Regulatory experts on staff help ensure that permitting is achieved as smoothly and swiftly as possible with federal, state and local authorities.



Tighe & Bond provided engineering services for street beautification, roadway reconstruction and infrastructure improvements including water, sewer and drainage for the town of Erving, MA.

Geographic Information Systems (GIS)

Tighe & Bond provides GIS services to a wide range of clients including municipalities, water and sewer utilities, state and federal government agencies, and private businesses. Our staff has experience in a wide variety of vendor applications such as ESRI, AutoDesk, Intergraph, and Bentley. We have expertise in performing Needs Assessment studies, customized application development including desktop, server, and web applications, data conversion, and analysis. Tighe & Bond is an ESRI Business Partner that provides a close working relationship with one of the most popular GIS software vendors.



For the Town of New Canaan, Tighe & Bond converted the Town's sewer system map from an overall schematic plan of the system. The overall plan showed flow direction and pipe size as well as pump stations and notes on the pressurized parts of the system. The overall schematic was scanned and georeferenced to orthophotography and sewer main features were traced down the center of roadways. All data was captured in an ArcGIS geodatabase. Sewer customers were identified from Assessor records and placed on the map. Identification of the customers yielded the newly defined sewer district.

GENERAL FIRM OVERVIEW

Current Expertise

Tighe & Bond is staffed with over 320+ seasoned professionals, including professional engineers, environmental scientists and hydrogeologists. Working in teams, they share diverse expertise to benefit our clients. Professional registrations cover a wide range of disciplines; personnel specialize in the following areas:

- **Civil Engineering**
- **Coastal Engineering**
- **Demolition Specifications**
- **Electrical Engineering**
- **Environmental Engineering**
- **Geographic Information Systems (GIS)**
- **Geotechnical Engineering**
- **Health & Safety**
- **Instrumentation & Control**
- **Mechanical/HVAC**
- **Parking Consultancy**
- **Regulatory Compliance & Permitting**
- **Remediation**
- **Site Assessment**
- **Site Development**
- **Solid Waste Management**
- **Structural Engineering**
- **Traffic Engineering**
- **Transportation Planning**
- **Wastewater Management**
- **Water Resources Engineering**



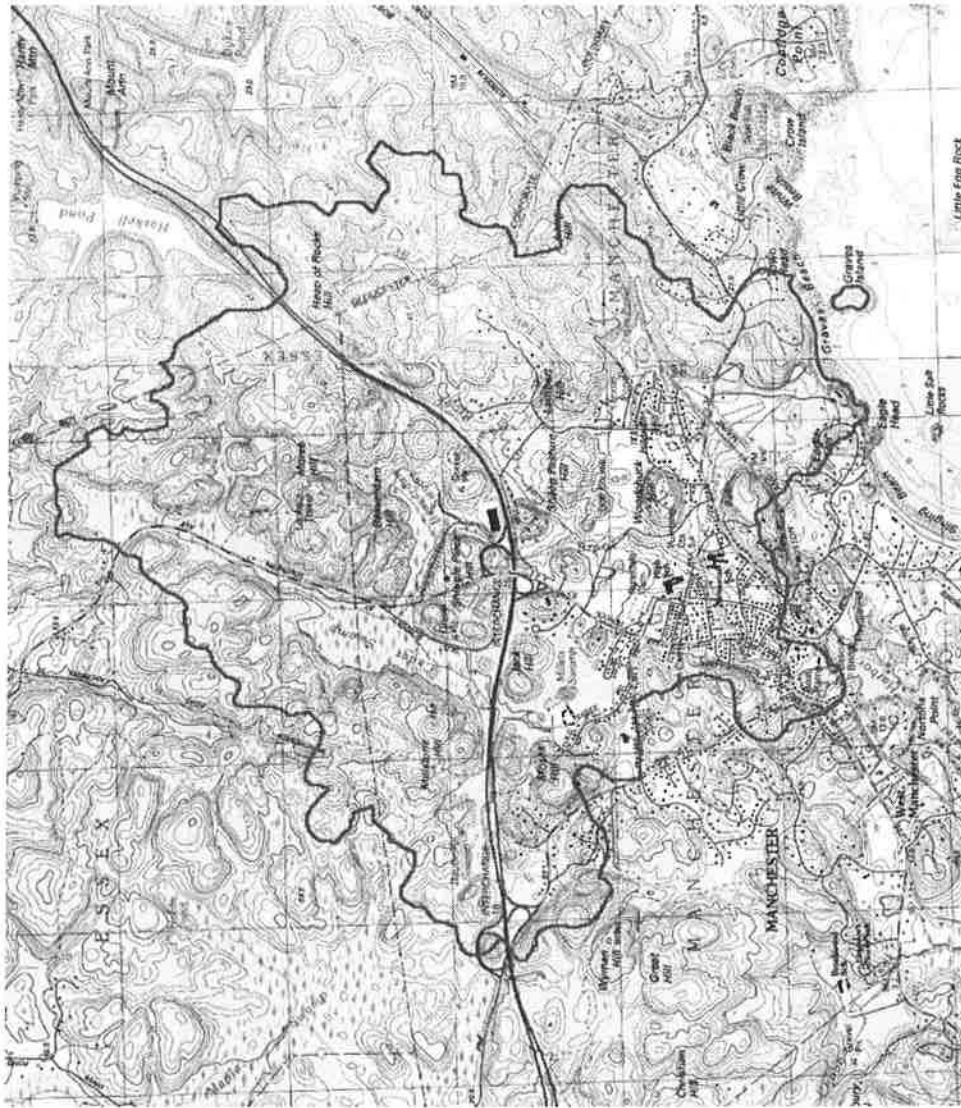
WILBUR AVENUE



SOUTH WALL STREET



Saw Mill Brook – Manchester-by-the-Sea



Designation: Area 1
 Location:

Cover Type	Area (sq. ft.)	CN	Area (sq. ft.)
Commercial - Soil Type A	0.000000	64	0.000000
Commercial - Soil Type B	0.461235	92	44.2923
Commercial - Soil Type C	0.201355	94	19.9317
Commercial - Soil Type D	0.768740	95	73.0310
Forest - Soil Type A	0.000000	25	0.000000
Forest - Soil Type B	95.766667	59	3207.1667
Forest - Soil Type C	4.574547	70	320.2183
Forest - Soil Type D	22.357450	77	1731.5237
Industrial - Soil Type A	0.000000	81	0.000000
Industrial - Soil Type B	3.392706	88	297.6793
Industrial - Soil Type C	1.526550	91	138.9166
Industrial - Soil Type D	0.100330	93	9.3312
Open Space - Soil Type A	0.000000	39	0.000000
Open Space - Soil Type B	0.182357	61	11.1244
Open Space - Soil Type C	0.182357	74	13.4952
Open Space - Soil Type D	0.000000	80	0.000000
Open Water	0.738044	96	72.3283
Residential - Soil Type A	0.000000	51	0.000000
Residential - Soil Type B	21.226520	60	1443.4035
Residential - Soil Type C	3.027112	79	239.1418
Residential - Soil Type D	5.896053	94	484.2694
	124.412120		9185.6382

Weighted CN: 66

Time of Concentration

(continued in accordance with CaneDOT Drainage Manual, Sec. 6C)

Segment	Surface	Flow Length (ft.)	Slope (ft./ft.)	Time (min.)
Segment A - B	0.4	300	0.15	22.2

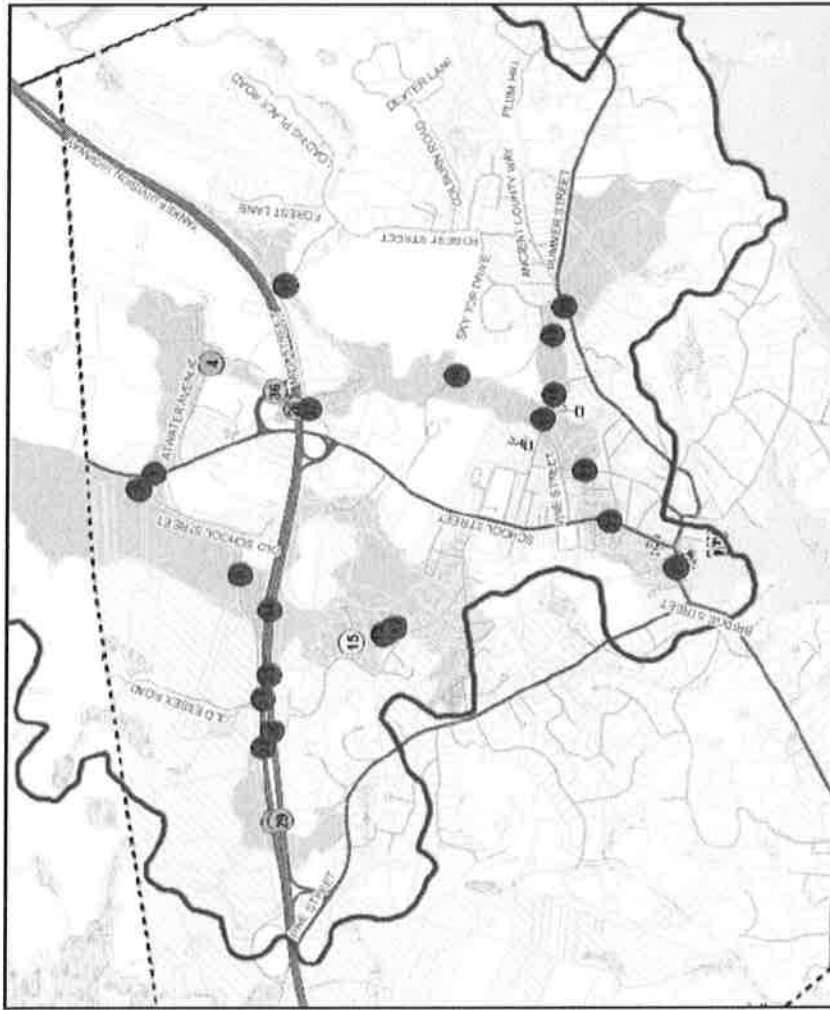
Segment	Slope (ft./ft.)	V (ft./s)	Length (ft.)	Time (min.)
Segment B - C	0.11	5.15	510	1.9
Segment C - D	0.02	2.33	230	1.7
Segment D - E	0.15	6.25	210	0.6
Segment E - F	0.01	1.51	520	5.4

Total Tc = 32.7 Min.

Note: Overland time of concentration computed using "Salematic Velocity" equation
 Gutter and pipe time of concentration estimated using Manning's equation

Appendix A-3
 Saw Mill Brook Culvert Summary

Culvert #	Stream	Street	Inlet Dimensions (ft.)		Inlet Elevation	Doutlet Inlet Elevation	Doutlet Road Centerline	Top of Road		Doutlet Road Elevation	Top of Road	Length (ft.)	Culvert
			Width	Height				Width	Height				
2	Cedar Swamp	School Street	2.67	2.67	40.20	39.20	44.90	45.80	3.33	2.83	39.10	39.30	45.00
2a	Cedar Swamp	School Street	1.30	1.50	41.40	40.00	44.70	45.40	1.50	1.50	41.10	40.7	45.40
2b	Cedar Swamp	School Street	3.00	2.58	40.80	39.50	39.10	44.50	3.00	3.33	40.40	39.10	45.00
3	Sawmill Brook	School Street	15.35	6.58	40.10	38.40	48.10	50.10	15.35	6.58	40.20	38.40	48.90
4	Sawmill Brook	Amateur Avenue	14.70	8.30		37.70	48.10		14.70	8.30		37.70	42.00
5	Sawmill Brook	Conoverville Winchester Drive	9.00	5.56	40.10			47.10	9.00	5.67	39.80	47.10	38.00
6	Sawmill Brook	School Street	1.10	1.10	N/A			N/A	1.10	1.10	N/A	N/A	28.00
7	Cat Brook	Forrest Road	11.60	2.90	43.60			48.20	11.60	2.90	43.90	48.50	20.20
8	Cat Brook	Load Place	2.00	2.00	44.30			47.90	2.00	2.00	44.30	47.30	30.70
9	Sawmill Brook	Pine Street	2.92	2.92	N/A			N/A	2.92	2.92	N/A	N/A	42.00
10	Sawmill Brook	Rockwood Heights	1.83	1.58	N/A				1.83	1.25	N/A	N/A	25.00
11	Cat Brook	Mill Street	12.50	3.70	33.50			40.40	12.00	5.58	31.70	40.50	20.10
12	Sawmill Brook	Mill Lane	5.00	5.00	46.50			49.30	2.50	2.50	46.30	52.20	35.00
13	Sawmill Brook	The Plains	5.00	2.00	45.80			51.20	5.00	2.75	45.00	51.80	40.00
15	Sawmill Brook	Blue Heron Lane	2.50	2.50	N/A			N/A	2.50	2.50	N/A	N/A	28.00
16	Sawmill Brook	Golf Course	12.00	9.42	11.50			21.60	11.50	9.58	11.40	21.60	20.00
17	Sawmill Brook	Lincoln Street	12.00	6.00		8.70	17.30		12.00	6.00		8.60	50.00



Shown above are culverts that will overtop during specific flood events in the year 2100 with a fossil intensive precipitation scenario and storm surge. Culverts shown in red will overtop during a 25 year storm, orange will overtop during a 50 year storm, yellow will overtop during a 100 year event, and culverts in green will not overtop even with a 100 year storm event. Areas of surficial flooding are shown in pink.

Stream	Culvert Crossing	
	Location	Number
Sawmill Brook	Central Street	25
	School Street	23
	Norwood Avenue	22
	Lincoln Street	17
	Golf Course Driveway	16
	Mill Street	27
	Route 128	26
	Route 128 Ramp	36
	Atwater Avenue	4
	School Street	3
	Old School Street	2
	Old Essex Road	5
	Route 128	34
	Route 128	31, 33
	Route 128	32, 35
Causeway Brook	Route 128	28, 29
	Lincoln Street	18
	Golf Course Driveway	19
	Summer Street	20
	Mill Street	11
Millet Brook	Millet Lane	12
	The Plains	13
	Blue Heron Lane	15

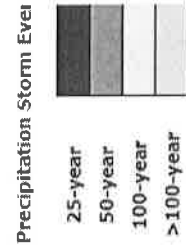


CHART 3-3 FLOOD PROFILE FOR EXISTING CONDITIONS SAWMILL BROOK MAIN STEM 2015 100-YEAR FLOOD

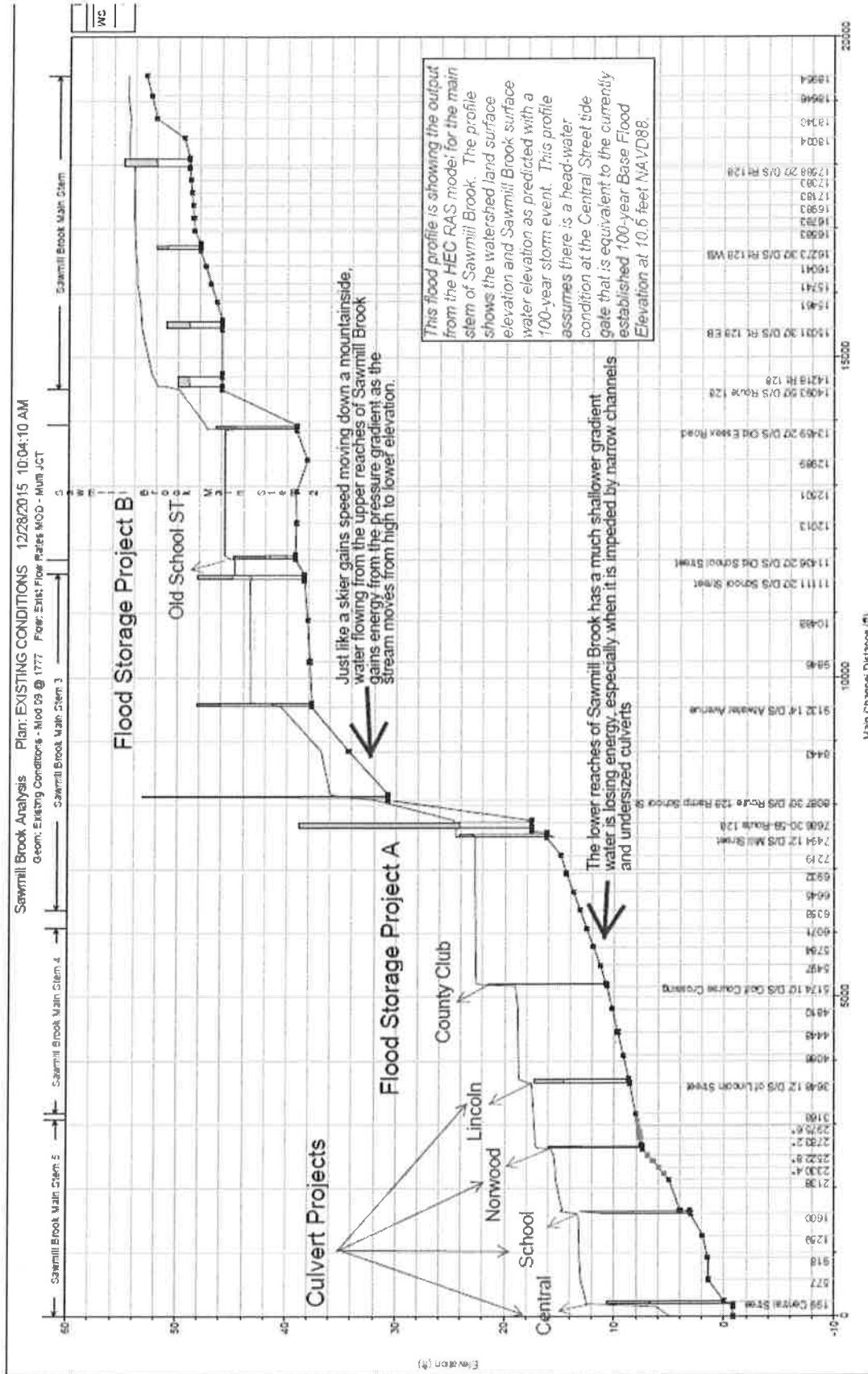
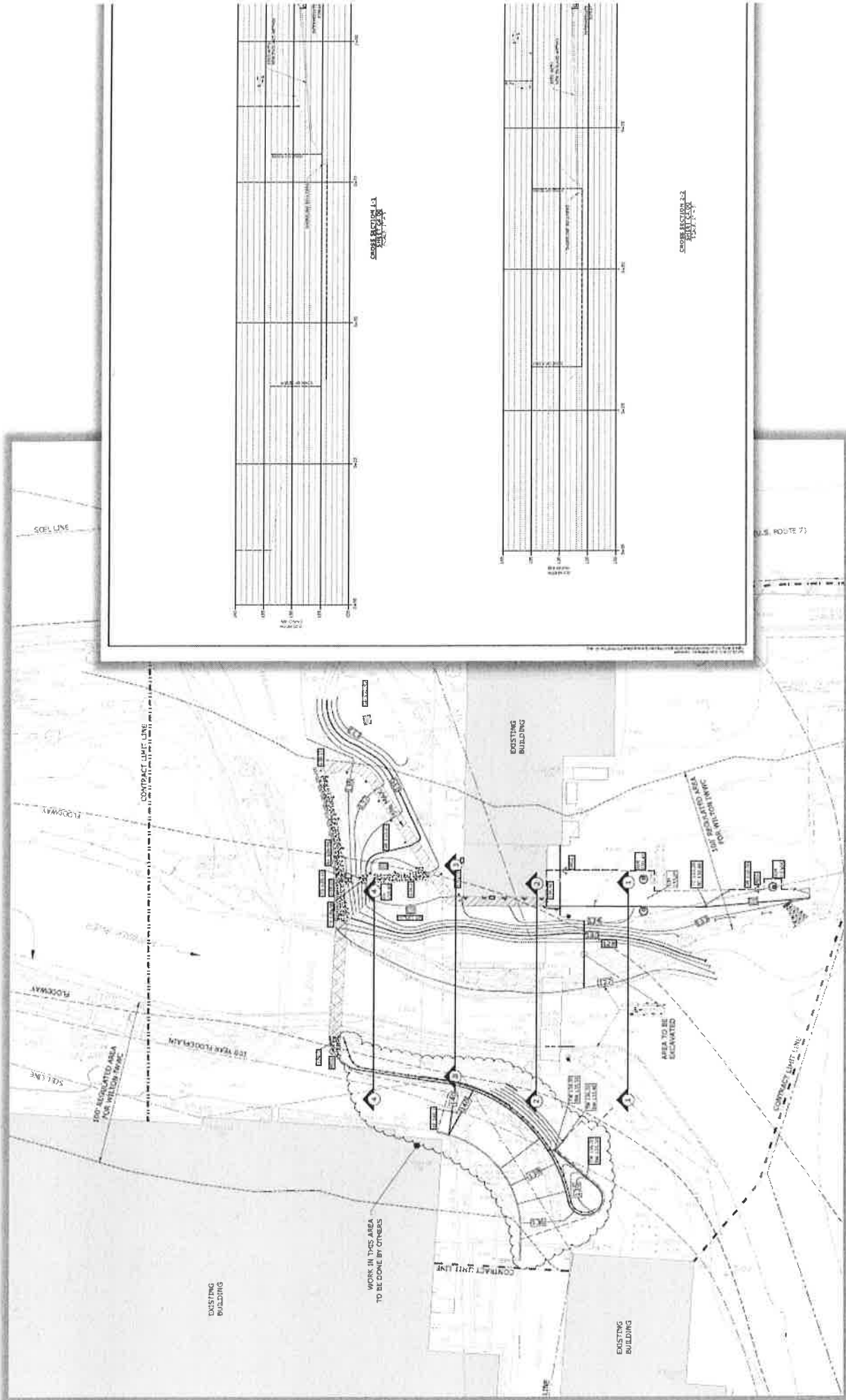


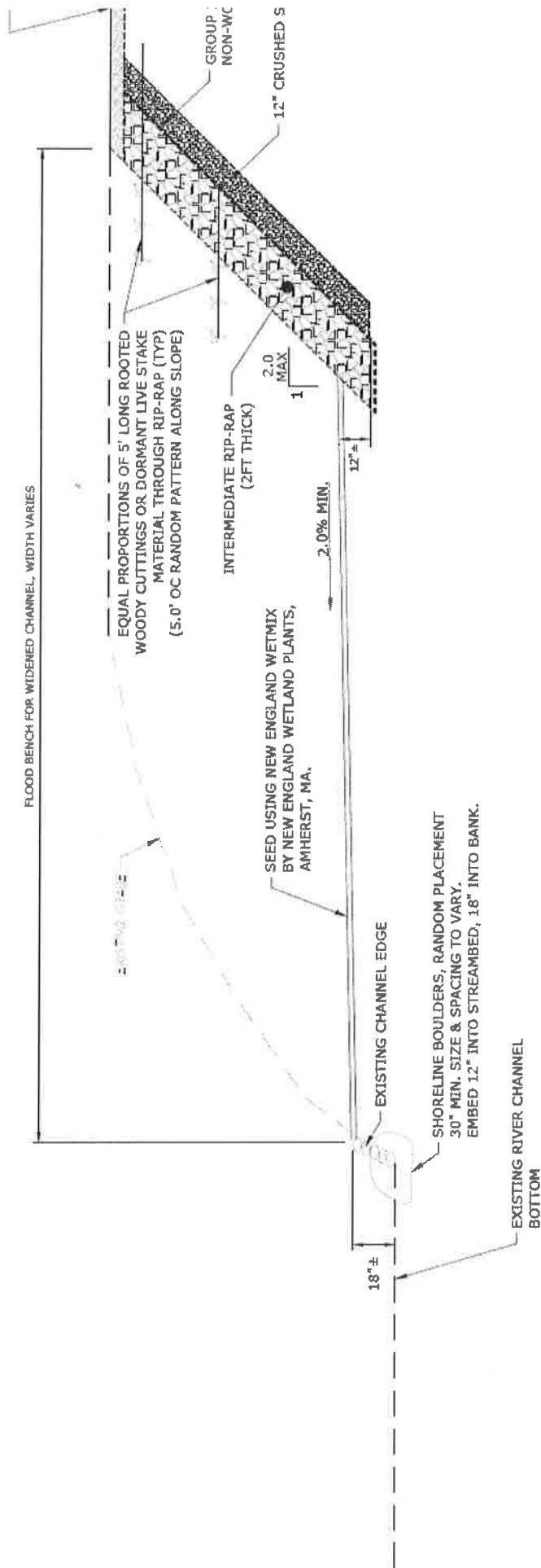
Table 4-5

Summary Table of Combined Flood Alleviation Projects													
Project Elements	Modelling Iterations												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Culvert Improvements*													
Central Street	X		X			X	X	X	X	X	X	X	X
School Street	X		X			X	X	X	X	X	X	X	X
Norwood	X		X			X	X	X	X	X	X	X	X
Lincoln						X	X	X					
Channel Improvements													
School - Norwood Widen	X		X			X					X	X	X
School-Norwood Widen and Deepen												X	X
Flood Storage													
Essex County Golf Course				X									
Old School Street		X	X		X	X		X					

ASML – Wilton, CT





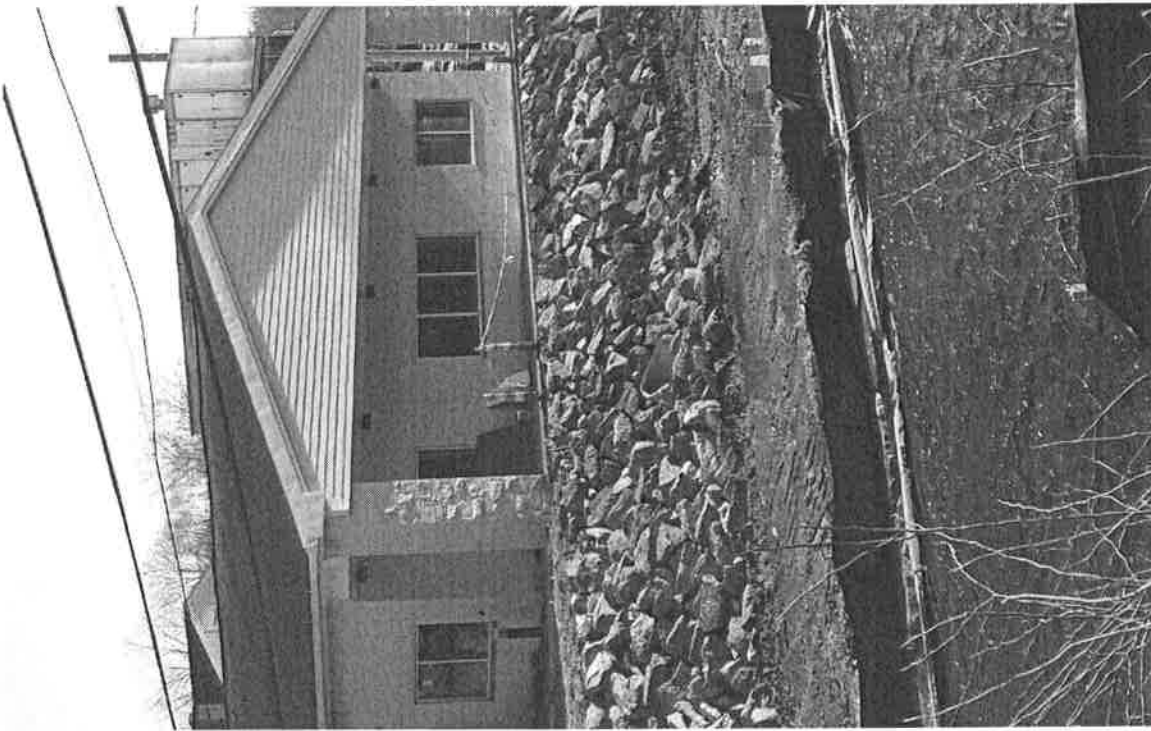


NOTES:

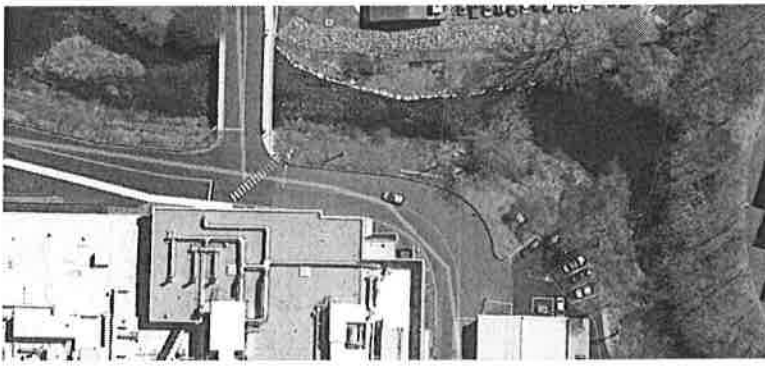
1. DORMANT LIVE STAKE MATERIAL SHALL BE PLANTED BETWEEN NOVEMBER 15 AND MARCH 15.
2. STAKES SHALL BE PLACED A MINIMUM OF 24" IN TO SOIL SUBSTRATE.
3. SHORELINE PROTECTION BOULDERS SHALL NOT PROTRUDE ABOVE THE BASE OF THE NEW CHANNEL. EMBED BOULDERS INTO CHANNEL BOTTOM.
4. REUSE EXISTING ON-SITE SHORELINE BOULDERS WHERE FEASIBLE.

TYPICAL RIVER CHANNEL WIDENING SECTION

$\frac{1}{4}" = 1' - 0"$



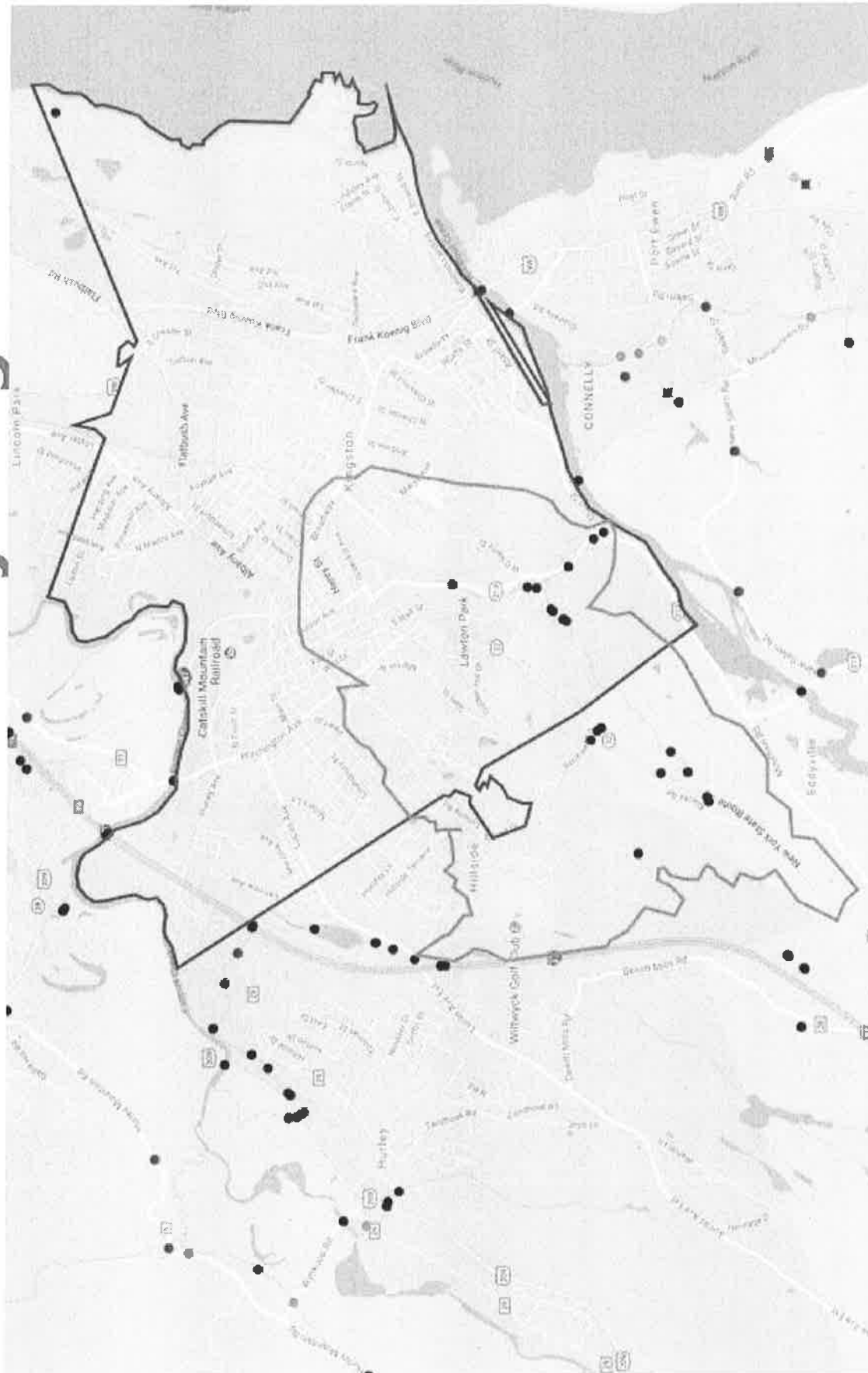




2014

2012

Hudson River Estuary Program Grant



Hudson River Estuary Program (NYSDEC)

Request for Proposals Restoration of Watershed Connectivity February 2017

The New England Interstate Water Pollution Control Commission (NEIWPCC), in cooperation with the New York State Department of Environmental Conservation's (NYS DEC) Hudson River Estuary Program, is inviting proposals for projects that will help restore aquatic habitat connectivity for herring and eel, and reduce localized flood risks and conditions on Hudson River Estuary tributaries. NEIWPCC is accepting proposals to for the following three types of projects:

Project Type 1) Produce an inventory of road-stream crossings compiling field assessments of all culverts and bridges where a public road crosses a stream within an area specified by the applicant and using the protocols of the North Atlantic Aquatic Connectivity Collaborative (NAACC).

Project Type 2) Develop a municipal management plan for prioritizing & mitigating documented aquatic barriers (dams, bridges and culverts) to improve fish passage and reduce localized flooding caused by such barriers. The management plan should include conceptual-level barrier mitigation designs and at least one 100% shovel-ready design for mitigation. The management plan should be prepared for municipal adoption.

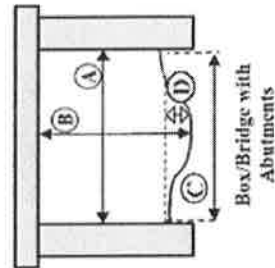
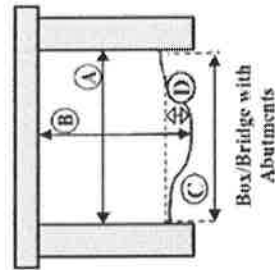
Project Type 3.) Produce 100% shovel-ready engineering designs for mitigating culverts that are barriers to fish migration at priority road-stream crossings assessed using NAACC protocols.

Each proposal is limited to one of three project types, however applicants may submit more than one proposal.

A total of \$200,000 will be made available for this RFP and we expect to fund multiple projects from each of the three project lists. NEIWPCC reserve the right to shift amounts allocated to project types in order to fund qualified proposals and may partially fund proposals as funding allows. The estimated allocation of funds per category is: \$50,000 for Project Type 1, \$75,000 for Project Type 2 and \$75,000 for Project Type 3.

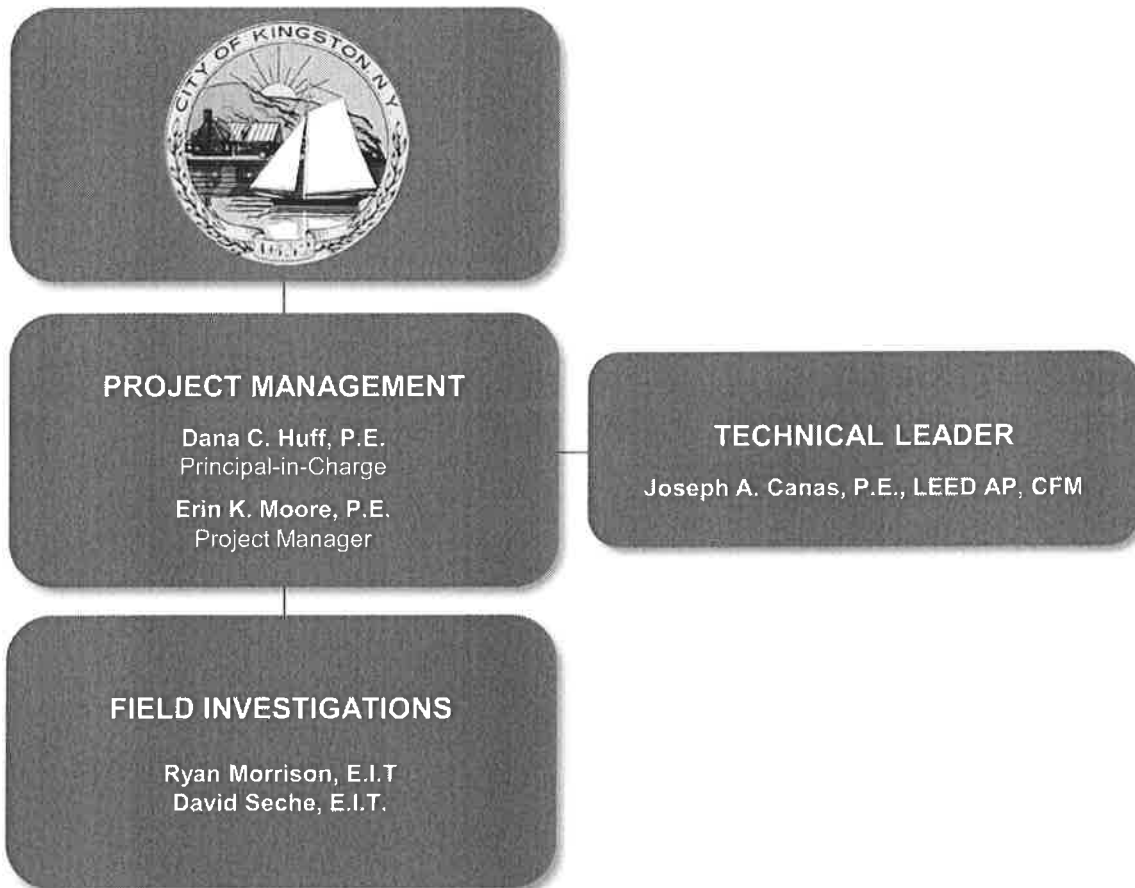
Crossing Data:

Database Entry By: Ryan Morrison	Entry Date: 07-19-2017	Total Numb
Coordinator: Megan Lung	Last Updated: 09-05-2017	Culverts: 1
GPS to Crossing Distance (meters): 2	NHD-HUC8 Watershed: Rondout	Outlet Openness:
Crossing Code: xy4190651473987440	Local ID: 49	Outlet Shape: Box
Date Observed: 07-18-2017	Lead Observer: Ryan Morrison	Outlet Grade: At
Town/County: Esopus, NY	Stream/River: Unknown	Outlet drop to wat
Road: Millbrook road	Type: Paved	Structure Length:
GPS: Lat. 41.90661, Long: -73.98776		
Location Description: Metal guard rails		Inlet Openness R
Crossing Type: Culvert	Number of Culverts/Bridge Cells: 1	Inlet Type: Headw
Flow Condition: Typical low-flow	Crossing Condition: OK	Inlet dimensions (
Tidal Site: No	Alignment: Skewed (>45°)	Slope Percent: 0.4
Road Fill Height (feet) : 1.8	Bankfull Width (feet): No data	Internal Structure:
Bankfull Width Confidence: No data	Constriction: Moderate	Structure Substra
Tailwater Scour Pool: None		Structure Substra
Crossing Comments: Fish spotted at crossing	Evaluation of this stream crossing is estimated as: INSIGNIFICANT BARRIER	Severity: Minor
		Water velocity ma
		Height above dry
		Structure Materi
		Outlet Armoring:
		Outlet dimension
		No data
		Outlet drop to st



<https://www.streamcontinuity.org/cdb2/naacc>

Organizational Chart



47



YEARS OF EXPERIENCE

39

SPECIALTIES

Site/Civil Design

Roadway & Traffic Improvements

Roadway Reconstruction

Community Revitalization

Brownfields Redevelopment

Solid Waste

Renewable Energy

LICENSES/REGISTRATIONS

Professional Engineer - CT (#28159)

Professional Engineer – MA (#34729)

Professional Engineer – NH (#13245)

Professional Engineer – NY (#96898)

Professional Engineer – VT (#18-0006285)

EDUCATION

Bachelor of Science

Civil Engineering

Rensselaer Polytechnic Institute

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Solid Waste Association of North

America, Southern New England

Chapter

American Public Works

Association

Institute of Transportation

Engineers

Dana Huff is vice president and principal on assignments covering a variety of disciplines, with a primary focus on civil engineering projects. Utilizing technical, analytical, and engineering expertise, he has developed innovative and resourceful solutions to complex engineering challenges for municipal, state, commercial, private and international clients. Dana has assisted a number of clients negotiate contracts with more beneficial terms and conditions.

Professional Experience

Municipal/Public Work

- **Town of Trumbull On-Call:** Served as principal-in-charge for several environmental projects under an on-call engineering contract in Trumbull, CT; some of which include updating Trumbull's new MS4 Stormwater Management Plan, assisting Economic Development on several community revitalization projects, and assisting the Town with grant applications. Prepared two major grant applications for roadway and intersection improvements (including pedestrian access/sidewalks).
- **UConn Farmington/Hartford Campus Traffic Study:** Principal on a traffic circulation/connectivity project for both the Farmington Medical Campus and the new Hartford Campus. The project was awarded to Tighe & Bond through the Capital Region Council of Government (CRCOG)
- **Route 110 Traffic Study:** Served as principal-in-charge for Tighe & Bond's work with the CT METRO Council of Government (METRO COG) and the Town of Stratford, CT to develop a transportation engineering planning study that solves the recurring congestions, safety and mobility issues along Main Street (Route 110). The study included a public outreach initiative to advise affected agencies, local stakeholders, and the public.
- **CTDOT Traffic and Safety On-Call:** Serving as principal-in-charge for a contract with the CTDOT for task-based traffic and safety engineering services throughout CT. Tighe & Bond is calculating yellow and all-red clearance timings for 794 state-owned and maintained traffic control signals in District 1. Additional assignments include evaluation and design of warning and safety signage and pavement markings for approximately 1,500 dangerous non-state owned roadway curves in Districts 2 and 4.
- **Norwalk Street and Streetscape Improvements:** Served as principal-in-charge and worked with the Norwalk Redevelopment Agency to design roadway and streetscape improvements to enhance the "walkability" of the area of North Water Street adjacent to the Aquarium and improve patron access to businesses on North Main Street, Dana is also principal on the Smith Street improvements project in support of the Head of the Harbor development in Norwalk, CT.
- **Thomaston Roadway Improvements:** Served as principal-in-charge to investigate the parking needs for the Reeves Field athletic complex and the drainage and pavement improvements to 12,000 linear feet of roadway in Thomaston, CT.
- **Farmington MS4 Program:** Served as principal for Tighe & Bond's development of an updated MS4 stormwater management plan to comply with Connecticut's newly implemented MS4 General Permit.

- **Fairfield Kings Highway Pedestrian Corridor Improvements:** Serving as principal-in-charge on the Kings Highway roadway project that includes sidewalk replacement, pedestrian safety and ADA compliant accommodations. Also includes bicycle accommodations, as well as streetlight and streetscape improvements to enhance the walkability and safety of residents using the corridor to access the Metro North Rail Station and area businesses.
- **Windsor Locks Roadway:** Authored a successful \$3.5 million grant application for Windsor Locks, CT to reconstruct a heavily traveled street serving residential, commuter, and industrial traffic. Included pedestrian access along both sides of the roadway. Also managed the design and construction through the Connecticut Department of Transportation review/approval process.
- **Gardner Kilby Hammond Bike Path:** Served as principal-in-charge for this project for the City of Worcester, MA. The bike path adds neighborhood benefits to the Gardner, Kilby, Hammond Street area of the City, as well as creating space for Clark University to develop a sports complex immediately adjacent to the new Boys and Girls Club, which will have access to the facility when completed.
- **Putnam Place Renovations:** Served as principal-in-charge for the City of Fitchburg's Putnam Place renovations, which included developing truck accessibility to this industrial/commercial space which is critical to the viability of downtown Fitchburg, MA.
- **Fitchburg Revitalization:** Served as principal-in-charge for this pedestrian/traffic enhancement project in downtown Fitchburg, MA. The goal is to improve traffic circulation on Main Street, increase parking, improve pedestrian safety, and improve the curb appeal with pedestrian friendly streetscaping to make Main Street more of an attraction.
- **North Adams Revitalization:** Served as principal-in-charge for the revitalization of North Adams, MA downtown area and the pedestrian approach to the Massachusetts Museum of Contemporary Art (Mass MoCA), including Main Street, sections of Route 2, and adjoining streets. The project challenges included meeting tight timelines while coordinating the project minimizing disruption to downtown businesses, and managing the review/approval through Massachusetts Department of Transportation.
- **Northampton Redevelopment:** Served as principal-in-charge on the redevelopment of severely blighted commercial property in Northampton, MA adjacent to the Connecticut River flood plain. Included significant storm water management versus parking need challenges combined with unsightly landscape at a major entrance to the City.
- **North Adams Brownfields Redevelopment:** Served as principal-in-charge for a brownfields redevelopment project in North Adams, MA. Assisted the city with converting a contaminated property into a developable property of mixed residential/commercial/retail space.
- **Dalton Roadway Reconstruction:** Served as principal-in-charge on a 2-mile, full-depth roadway reconstruction project in Dalton, MA that has difficult pedestrian/cross walk, street width, alignment, right of way, and stream crossing issues. One focus was to provide pedestrian access along the entire two-mile corridor to enhance and promote walkability. Managed the project through the Massachusetts Department of Transportation review/approval process.
- **North Adams Transfer Station:** Principal-in-Charge on design of a new solid waste transfer facility to increase the volume of solid waste transferred out of the Northern Berkshires. Provide ongoing evaluation of MSW and recyclables transfer station options for the City of North Adams, MA and the Northern Berkshire Solid Waste District. Review and evaluation of existing facilities and haul/disposal options.
- **West Springfield Transfer Station:** Project manager on developing a Request for Proposals for the City of West Springfield, MA to privatize their MSW and recyclable Transfer Station off Agawam Avenue and assisted the City with evaluations of the proposals received.
- **Worcester Streetscape Improvements:** Serving as principal-in-charge for streetscape improvements to Franklin and Plantation Streets. This \$8 million project in Worcester, MA continues the City's downtown streetscape theme into adjacent neighborhoods. It includes pavement rehabilitation, sidewalk replacement with accent strips, pedestrian safety and ADA compliant accommodations, streetlight improvements, and streetscape improvements to the neighborhoods surrounding the expanded CSX freight terminal.



YEARS OF EXPERIENCE

17

SPECIALTIES

**Wastewater Facility Evaluation
& Design**

Wastewater Collection Systems

Hydraulic Modeling

Water Treatment Facility Design

Stormwater Design

Permitting

LICENSES/REGISTRATIONS

Professional Engineer – NY (#84665)

Professional Engineer - MA (#46640)

Professional Engineer – CT (#28198)

Professional Soil Evaluator – (#13709)

EDUCATION

**Bachelor of Science
Environmental Engineering
Wentworth Institute of Technology**

**Master of Science
Environmental Engineering
Worcester Polytechnic Institute**

**Professional Certificate
Technical Communications
Wentworth Institute of Technology**

PROFESSIONAL AFFILIATIONS

**New York Water Environment
Association**

**New England Water Environment
Association**

**NYSDEC Water Management
Advisory Committee**

Erin Moore is a project manager with experience in municipal water, wastewater and stormwater projects. Her project experience covers a broad range of analysis and design including evaluation phase studies, design development, permit procurement, construction document preparation, and construction phase services. She also has expertise in hydraulic modeling.

Professional Experience

Hydraulic Modeling

- **Darrow School Drainage Improvements:** Completed stormwater drainage area modeling in support of drainage improvements project which provided flood protection for historic Shaker buildings. Aided in obtaining FEMA funding for project construction. Coordinated with wetlands and archeological permitting agencies. Designed stormwater improvements including up to 42" drainage piping, and custom stormwater diversion structures, as well as traditional stormwater infrastructure.
- **Hartford Metropolitan District Commission Granby Street Sewer Separation:** Designed Storm Water Management Model (SWMM) to evaluate existing and proposed conditions for several miles of major sewer interceptor and associated overflow structures for combined system. Utilized data from preliminary design report, as-built drawings, survey, and city-wide model to identify specific concerns and constraints of the Granby Street system. Utilized modeling data to aid in development of sewer separation design and to review system impacts during construction.
- **Chicopee Long Term CSO Control Plan:** Provided modeling and analysis of 15,000 acre sewer shed including CSO regulator structures, interceptors, pump stations and other features of the combined sewer system in Chicopee, MA. Reviewed and prepared CSO control project alternatives. Assisted in completion and implementation of Long Term CSO Control Plan (LTCP). Conducted field investigation of the sewer and storm drain system. Collected extensive structure data by inspection and plan review. Prepared Draft LTCP report, including recommended project determination, and coordination with client, MADEP, and public. Prepared successful SRF loan application for first phase of LTCP.
- **Holyoke Long Term CSO Control Plan:** Provided modeling and analysis of 18,000 acre sewer shed including CSO regulator structures, interceptors, pump stations and other features of the combined sewer system in Holyoke, MA. Reviewed and prepared CSO control project alternatives. Utilized model data in development of LTCP first phase projects.
- **Peabody Lynn Street Sewer Replacement:** Investigated sewer capacity problems in Peabody, MA using as-built data, water use records and previous reports/studies. Developed estimates of sewer flows and inflow/infiltration. Created stormwater management model (SWMM) to determine problem sewer pipe sections and evaluate alternative solutions. Prepared study report with system improvement recommendations and presented study findings at public meeting. Prepared bid documents for replacement sewers in accordance with recommended improvements. Completed construction administration including coordination with client, contractor, and inspectors, review of submittals and information requests, and review of pay requisitions.

- **South Central Connecticut Regional Water Authority:** Evaluated alternative disinfection technologies for use at four wellfields and two surface water treatment plants for the South Central Connecticut Regional Water Authority. Prepared study comparing alternatives and developed layouts and cost estimates for recommended technology. Completed design of five disinfection systems based on study recommendations and prepared bid documents. Completed construction administration including coordination with client, contractor and product vendors, review of submittals and information requests, and review of pay requisitions.
- **New York City DEP Wastewater Cost Analysis:** Provided reproduction cost less new "RCNLD" cost analysis report for three wastewater treatment facilities and collection systems in NYCDEP watershed. Analysis required extensive wastewater system inventory, analysis of current process and equipment usage, and coordination with plant operators and NYCDEP legal department.
- **Chicopee WPCF Secondary Treatment Bypass Upgrade:** Assisted in design and bid document preparation of 15 MGD Chicopee WPCF secondary treatment bypass upgrade in Chicopee, MA Included pump station, chlorine contact chamber, and chemical feed systems.
- **Windsor Locks Infiltration & Inflow Analysis:** Completed infiltration and inflow analysis for Windsor Locks, CT including house-to-house inspections, smoke testing, dye testing, TV inspection, and manhole inspection. Coordinated sub-consultant work. Completed data analysis, improvement recommendations, and report preparation.
- **Amenia Wastewater Feasibility Study:** Prepared wastewater disposal evaluation to determine most appropriate and cost effective solution for the Town of Amenia. Project focused on alternative treatment technologies and was successfully used to obtain \$3 million dollars in interest free project financing.



YEARS OF EXPERIENCE

23

SPECIALTIES

Floodplain Management

Stormwater Management

Civil/Site Engineering

Site Development

LICENSES/REGISTRATIONS

Professional Engineer - CT (#20873)

Professional Engineer - NY (#086159-1)

**Leadership in Energy and
Environmental Design Accredited
Professional (LEED AP)**

**Certified Floodplain Manager
(US-13-0791)**

EDUCATION

**Bachelor of Science
Civil Engineering
University of Connecticut**

PROFESSIONAL AFFILIATIONS

**Association of State Floodplain
Managers**

**Connecticut Association of Flood
Managers, Vice-Chair**

**Rhode Island Floodplain Manager's
Association**

Joseph Canas is a project manager who has expertise in various civil engineering disciplines, including: stormwater collection systems, roadway design, floodplain modeling, construction administration, and subsurface sewage disposal systems. He has been involved in all phases of project execution from planning through design and construction. He is a LEED AP and Certified Floodplain Manager.

Professional Experience

Civil/Site

- **ASML Floodplain Mitigation Evaluation:** Serving as project manager for the ASML Floodplain Mitigation project on the Norwalk River in Wilton, CT. Evaluated a series of measures to reduce floodplain exposure for the ASML facility. The selected alternative involves removing an existing pedestrian bridge, a portion of an existing building, and widening the channel. Preparing USACOE and CTDEEP permit applications. Proposed improvements will lower floodplain elevations through the facility by 2 feet, and improve upstream flooding conditions at Arrowhead Way by one foot. Secured federal, state, and local approvals for work within the Norwalk River, and prepared construction documents for bidding.
- **General Permit for the Discharge of Stormwater from Municipal Separate Storm Sewer Systems (MS4):** Gave three presentations to the Environmental Business Council, as well as a presentation to the Connecticut Conference of Municipalities and the Connecticut Association of Zoning Enforcement Officers on the requirements of the new MS4 permit. Prepared stormwater management plan updates for the reissued permit, effective July 1, 2017 for the communities of Trumbull, Darien, Farmington, Monroe, New Canaan, and Newington. Prepared annual reports for the Town of Trumbull.
- **Letters of Map Revision, Trumbull:** Provided floodplain engineering services to update hydraulic analyses to successfully revise the locations of the floodplain boundary for portions of Tributary A to Horse Tavern Brook and Tributary F to the Pequonoc River. In both cases, the floodboundaries shown in the Flood Insurance Study were inconsistent with local flooding observations, so we modified the existing studies as appropriate to reflect existing conditions. In both cases, an application was made to, and ultimately accepted by, FEMA.
- **CTDEEP General Permit for the Discharge of Stormwater Associated with Industrial Activities:** Provided services for registration under the General Permit for the Southington Water Pollution Control Facility and the Trumbull Department of Public Works Garage. Prepared Stormwater Pollution Control Plans, provided sampling, monthly reporting, training, semi-annual comprehensive site visits, and quarterly visual monitoring as required by the permit.
- **Washington Village, Norwalk:** Serving as project manager for the CTDEEP Floodplain Management Certification for the redevelopment of Washington Village in Norwalk, CT. Prepared a Floodplain Management Certification application for the project documenting that the project would not adversely impact flooding, and also prepared a request for exemption based upon intensity of floodplain development. CTDEEP approved the exemption request, the first of its kind for public housing in the State of Connecticut.

- **Manchester-by-the-Sea Coastal Resiliency Study.** Provided technical support for the modeling of flood risk associated with riverine and coastal flooding in downtown Manchester-by-the-Sea and along Saw Mill Brook. The analysis accounted for the combination of sea level rise along with increased precipitation in the Saw Mill Brook watershed to identify the flood exposure for critical municipal infrastructure, including emergency response facilities, as well as identification of culverts in the watershed at greater risk of overtopping based upon an analysis of mid-range precipitation projections.
- **Metro Green Apartments & Residences:** Serving as project manager for the Metro Green project for Empire State Realty Trust and Jonathan Rose Companies in Stamford, CT. The site development will be one of Connecticut's foremost transit-oriented and premier mixed-income communities. Metro Green involves mixed use of 350,000 square feet of Class A office and 238 units of residential housing, to be located adjacent to existing Intermodal Transportation Center and a 650-space parking garage. 100 residential units in two buildings have already been completed, and have achieved LEED Gold certification
- **Elton Rogers Park Dam Rehabilitation:** Prepared the hydraulic and hydrology analysis of the reconstruction of the existing dam at Elton Rogers Park in Bridgeport as part of the first phase of the six phase Ox Brook Flood control project. In addition to improvements at the dam, the project included an evaluation of downstream flooding conditions along Ox Brook to Lourmel Street. This section of Ox Brook includes segments of open channel flow, and closed-conduit flow through a heavily urbanized area.
- **Stormwater Management Peer Reviews:** Served as project manager for peer reviews of land use applications involving stormwater management in Darien and Canton, CT. The reviews have included small single-family developments to large commercial and institutional developments. Prepared reviews in a timely manner and offered testimony and
- **Trumbull Sanitary Sewers, Contract 3:** Served as the project manager for third party evaluation of construction, including review of payment requisitions, as-built drawings, and video records. Made recommendations for follow-up video inspections and field investigations. Compiled report to present before the Trumbull WPCA.
- **City of Norwalk Fire Department Headquarters:** Served as project manager for the demolition and construction of a new headquarters building and fire station for the City of Norwalk. Project included completely new utility connections and a new stormwater management system. The project was located between two CTDOT projects for the widening of adjacent roadways, and required close coordination between the two projects to ensure that the projects would interface appropriately. Due to the unique shape of the site (300 feet long by 60 feet wide), several variances were required and obtained from the City. Designed an enabling project involving a 1,100 square foot addition to Station #4 on Westport Avenue to house one of the crews displaced by the construction of the new headquarters facility.
- **Ridgefield Library:** Managed the civil engineering design of a project involving the demolition of existing additions to the Ridgefield Library, and a new subsequent addition that would add 44,000 square feet to the historic 1903 facility. Designed new utility connections to serve the building and updated the on-site stormwater management system to provide significant water quality improvements, eliminating flow of untreated stormwater to Ridgefield Brook. Due to neighborhood flooding concerns, analyzed Ridgefield Brook to Grove Street to demonstrate the project would have no adverse impact.
- **Darien Stormwater Management Regulations:** Developed new stormwater management regulations for the Town of Darien, CT to address stormwater quality for new development. Recommended documentation guidelines aimed at promoting the Town's stormwater management goals without overwhelming the Town review agencies with additional workload. The Planning and Zoning Commission adopted the regulations, which are also referenced by the Environmental Protection Commission. Reviewed multiple projects on behalf of Town land use boards for compliance with the Town's stormwater management regulations.
- **The Reserve:** Served as a project manager for this planned neighborhood development project in Danbury, CT. Designed stormwater management plans for various commercial and residential developments on the 545-acre site. Coordinated permitting for the developments, including City Site Plan, City Environmental Impact Commission, Dam Construction Permit, Water Diversion Permit for Nonconsumptive Uses and 401 Water Quality Certification with CT DEP, and a Category 2 PGP Permit with the Army Corps of Engineers.



YEARS OF EXPERIENCE

5

SPECIALTIES

Stormwater Management

Water Resources

Civil/Site Design/Land Development

Municipal Engineering

Soil Erosion & Sediment Control

Transportation

Athletic Field Design

LICENSES/REGISTRATIONS

NAACC Coordinator and Observer

Massachusetts Title 5 Soil Evaluator

**New York Stated Erosion and
Sediment Control**

**New York State Building Safety
Inspector**

EDUCATION

**Bachelor of Science
Civil Engineering**

Wentworth Institute of Technology

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Ryan Morrison is a staff engineer with 5 years of experience in the design, permitting, bidding and construction administration of land development projects. His experience includes work on various private and municipal projects. Projects have included parking lot and roadway design, water and sewer main replacement/ rehabilitation projects, commercial development and athletic facility design projects. Ryan is proficient in Auto CAD Civil 3D, HydroCAD modeling.

Professional Experience

Stormwater Management

- **Culver Assessment and Prioritization:** Serving as the lead coordinator and observer for four (4) Town-wide Road and Stream Crossing inventory projects located in Albany, Green, Ulster and Dutchess County. Using the Certification obtained from training provided by NAACC in conjunction with field training provided by New York State Department of Environmental Conservation (NYSDEC) for collecting information regarding road and stream crossings. Worked with the NYSDEC to provide a town-wide road and stream crossing prioritization study for a municipality. The prioritization study included comprehensive collaboration with municipal steak holders including DPW department and watershed stake holders.
- **Stormwater Modeling:** Authored numerous stormwater reports in New York and Massachusetts. Has modeled stormwater rain events for project development sites and municipal resiliency analysis including pre- and post run-off conditions using HydroCAD and Storm and Sanitary Analysis.
- **Stormwater Pollution Control:** Performed various stormwater pollution control inspections and reports to verify the contractors' compliance with stormwater pollution control plans.
- **Erosion and Sediment Control Plans:** Provided numerous erosion and sediment control plans for various types of sites. Erosion and Sediment Control Plans were for sites including small commercial development, solar panel arrays, municipal applications and athletic facility sites.

Water Resources

- **Dam Safety Inspection and Engineering Assessment:** Authored hazard and hydraulic assessments for Class B dams for review by the New York State Department of Environmental Conservation. Assessments included hydraulic and Civil 3D modeling of the site necessary to quantify the runoff and determine downstream impacts.
- **New York State Bathing Beach Permit:** Authored and engineering report for the purposes of permitting including watershed modeling, hazard assessment and providing of plans necessary for permitting with the New York State Department of Health.
- **50 year Drought Study:** Provided a 50 year drought study of a supply pond for a community fire department. The report provided analysis of the ponds ability to with stand drought consistent NFPA 1142

Civil/Site

Town Hall Parking Lot Improvements Project: Serving as the design engineer and construction administrator for a Town Hall Parking Lot Improvements Project. Site improvements included lighting, ADA improvements, expansion of the parking lot and stormwater design. During the construction phase of the project he supervised weekly inspections of the site, provided reporting of project progress to the client to document project timeline and phasing and negotiated change orders with the contractor. The project also included management of a grant which required additional coordination between county agencies and the municipality.

- **Spa Facility Rehabilitation Project:** Served as the design engineer for a project to rehabilitate a 90 year old spa facility. Site design considerations included new New York State Department of Transportation compliant entrances, ADA accessibility, underground utilities including special provisions for spa equipment, water (fire and potable), electric and a new sewer connection. Other site considerations included site lighting and emergency access. The project required extensive coordination between the municipality, state and the client.
- **Commercial Site Plan Applications:** Succeeded on various site planning projects for commercial development. Including site plan applications, State Environmental Quality Review Act (SEQRA) permitting and the necessary state permitting to shepherd the various commercial applications and clients through the site plan process. Tasks included presenting the projects to the planning and zoning boards and coordination with municipal engineers and attorneys.
- **Site Cut/Fill Analysis:** Provided cut fill analysis for large commercial trucking facility with extensive site work including a site access road, parking lot and a 300,000sf distribution facility.

Municipal Engineering

- **Pump House Rehabilitation Project:** Served as the design engineer and construction inspector for a pump house rehabilitation project which included the replacement of valves, metering devices and ductile iron pipe within the pump house as well ductile iron pipe outside of the pump house prior to tying into the community water system. The project included coordination of the shutdown of the community's water system while the work was being performed and testing required by Ten States standards to bring the new equipment back online.
- **Municipal Stormwater Rehabilitation Project:** Assisted in the design and performed daily construction inspections for a Town's municipal stormwater system. Project included 1000s of lf of stormwater line replacement, manhole rehabilitation, and structural and non-structural lining of stormwater lines.
- **Roadway Redesign:** Performed an engineering survey and provided a design for two (2) Town Roads for a total length of 2,500 ft. Designs included reconfiguring horizontal and vertical alignments, tying into existing property on either side of the roadways, providing under draining and necessary stormwater management, replacement of necessary utilities and design of pedestrian access and parking.

Transportation

- **Pedestrian Improvement Projects:** Provided initial engineering reports and coordinated with the New York State Department of Transportation for projects which included improvements to pedestrian access and bike lanes within a city.
- **Commercial Parking Lot Assessment:** Authored an engineering report for a commercial complex to include and evaluation of quantity of parking, condition of parking lot and traffic circulation.
- **Bus Stop and Pedestrian Access Project:** Served as a design engineer for a project to formalize and existing bus stop. Tasks included helping put together the application for grant funding and design of the site features include the bus pull off, drainage, sidewalks and site amenities.



YEARS OF EXPERIENCE

2

SPECIALTIES

Wastewater

Odor Control

USDA Rural Development Program

LICENSES/REGISTRATION

Intern Engineer

EDUCATION

Bachelor of Science
Civil Engineering
Cornell University

10-Hour OSHA General Industry
Safety Training

David Seche is a staff engineer with a focus on wastewater and municipal engineering. He is a recent graduate from Cornell University where he earned his Bachelor of Science in Civil Engineering. He has experience in wastewater treatment data analysis and design; inflow and infiltration evaluation and improvement recommendations; hydraulic modeling; odor control technologies; construction document preparation; and USDA Rural Development applications and documents.

Professional Experience

Wastewater

- **Greenfields Wastewater Treatment Facility Rehabilitation:** Served as staff engineer in the evaluation and design of improvements to the wastewater treatment plant. Prepared specifications for the treatment plant rehabilitation.
- **Greenfields Collection System Inflow and Infiltration Evaluation:** Served as staff engineer in the evaluation of I/I within the collection system and development of recommendations to reduce overall flows to the wastewater treatment plant.
- **Kingston, NY Combined Sewer Separation Plan:** Served as staff engineer in the evaluation and design of a combined sewer separation plan to reduce total flow to the wastewater treatment plant and reduce combined sewer overflow activations.
- **Salisbury, CT Collection System Inflow and Infiltration Evaluation:** Served as staff engineer in the evaluation of I/I within the collection system and development of recommendations for reducing I/I, including cured-in-place pipe lining and manhole sealing.
- **South End Road Pump Station Design:** Assisted in the development of design alternatives for the upgrade of the pump station, including determining current and future flows.
- **Chicopee, MA Combined Sewer Overflow Annual Report:** Performed modeling of CSOs and sewer interceptors using the EPA Storm Water Management Model.

Odor Control

- **School Street Pump Station:** Evaluated alternatives for treatment of elevated hydrogen sulfide levels at the pump station. The evaluation included liquid and vapor phase alternatives including potassium permanganate dosing, carbon scrubbing, chemical scrubbing, and biofiltering systems.

USDA Rural Development Program

- **Salisbury, CT Various Wastewater Improvements Project:** Prepared the grant application and developed the preliminary engineering and environmental reports characterizing the engineering effort and environmental impacts related to various improvements for a wastewater treatment plant and pumping station.
- **Lanesborough, MA Water Main Extension:** Prepared the grant application and developed the preliminary engineering and environmental reports characterizing the engineering effort and environmental impacts related to an extension of the municipal water system.

K-0094-0-P002
October 25, 2017

Ralph Swenson, P.E., City Engineer
City of Kingston
420 Broadway
Kingston, NY 12401

**Re: Twaalfskill Creek Stormwater Analysis – Engineering Services
Price Proposal**

Dear Mr. Swenson:

In this price proposal, we have included the engineering hours and fees for the Twaalfskill Creek Stormwater Analysis Engineering Evaluation project.

As described in our proposal we have presented the work in five tasks. While we have presented the hourly rates and estimated hours on the attached table, we recommend that the contract be awarded in a lump sum format billed by percentage complete, under five project tasks identified as:

- | | |
|--------------------------------------|-----------------------------|
| 1. Watershed Delineation | 4. Recommended Improvements |
| 2. Existing Conditions Documentation | 5. Reporting |
| 3. Hydraulic & Hydrologic Analysis | |

We will still provide our hours spent per task, but this format will be much simpler for staff to review and understand project status.

We would like to note that as part of this proposal we have not included use of sub-consultants for survey. For the purposes of modeling and conceptual improvements we feel that the existing topographic data and field measurements are sufficient. Should the City wish to extend the scope of preliminary engineering, survey of areas with recommended improvements could be obtained.

Additionally, we have reviewed the City's required insurance requirements and affirm that we have adequate coverage. We have provided sample insurance certificates for the City's review.

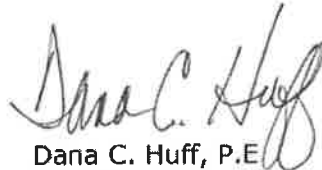
We would be pleased to discuss this price proposal with you or any other component of our proposal.

Very truly yours,

T&B Engineering, P.C.



Erin K. Moore, P.E.
Project Manager
(845) 835-8080
ekmoore@tighebond.com



Dana C. Huff, P.E.
Vice President / Director
(203) 712-1122
dchuff@tighebond.com

Twalfskill Creek Stormwater Analysis Engineering Services Fee Schedule

Task	Technical										Total Hours	Reimbursable	Labor Effort	Total Task Cost
	Principal	Senior Project Manager	Technical Leader H&H Analysis	Project Engineer	Staff Engineers	GIS Technician	Admin.	Total						
								Hours	Reimbursable	Labor Effort				
	\$235	\$180	\$175	\$120	\$90	\$80	\$78							
1.0 Watershed Delineation	0	5	10	0	18	6	0	39	\$	130	\$	4,270	\$	4,400
2.0 Existing Conditions Documentation	0	3	4	0	24	0	0	31	\$	-	\$	3,500	\$	3,500
3.0 Hydraulic & Hydrologic Analysis	0	2	18	80	26	8	0	134	\$	-	\$	16,600	\$	16,600
4.0 Recommended Improvements	0	2	20	72	18	0	0	112	\$	-	\$	14,500	\$	14,500
5.0 Reporting	8	10	12	18	8	4	3	63	\$	410	\$	9,490	\$	9,900
Sub- Total	8	22	64	170	94	18	3	379	\$	540	\$	48,360	\$	48,900



CERTIFICATE OF LIABILITY INSURANCE

OP ID: SS

DATE (MM/DD/YYYY)

10/02/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Poole Professional Ltd.-TM 107 Audubon Rd. #2, Ste. 305 Wakefield, MA 01880 Thomas M. Mullard		CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: TIGHE-1	
INSURED Tighe & Bond, Inc. Engineering Services in NY Provided by: T&B Engineering, P.C. 53 Southampton Road Westfield, MA 01085		INSURER(S) AFFORDING COVERAGE INSURER A: Continental Casualty Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 20443	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC			6045349069 INSURANCE IS PRIMARY	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS			6045349024 MA, CT	10/01/2017	10/01/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$ \$ \$
	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DEDUCTIBLE ☒ RETENTION \$ 10,000			6045339223	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 Follow Form \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☒ N N/A			6049563571 MA, CT, NH	05/01/2017	05/01/2018	☒ WC STATUTORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Business Owners			6045349069	10/01/2017	10/01/2018	Valuable Papers 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, If more space is required)

CERTIFICATE HOLDER**CANCELLATION**

For Proposal Use Only

PROPO-1

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

134

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CERTIFICATE OF LIABILITY INSURANCE

OP ID: LL

DATE (MM/DD/YYYY)

04/10/2017

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PRODUCER
Poole Professional Ltd.-TM
107 Audubon Rd. #2, Ste. 305
Wakefield, MA 01880
Thomas M. Mullard

CONTACT NAME:

PHONE (A/C, No, Ext):

FAX (A/C, No):

E-MAIL ADDRESS:

PRODUCER CUSTOMER ID #: TIGHE-1

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURED Tighe & Bond, Inc.
Engineering Services in NY
provided by
T&B Engineering, P.C.
53 Southampton Road
Westfield, MA 01085

INSURER A: XL Specialty Insurance Co.

37885

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY						EACH OCCURRENCE \$
	☐ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$
	☐ CLAIMS-MADE ☐ OCCUR						MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$
							GENERAL AGGREGATE \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$
	☐ POLICY ☐ PROJECT ☐ LOC						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS						PROPERTY DAMAGE (PER ACCIDENT) \$
	☐ HIRED AUTOS						\$
	☐ NON-OWNED AUTOS						\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$
	☐ DEDUCTIBLE						\$
	☐ RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS ☐ OTH-ER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N ☐ N/A						E.L. EACH ACCIDENT \$
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
A	Prof., Environ.			DPR9912946	04/14/2017	04/14/2018	Per Claim 3,000,000
A	& Pollution Liab.						Aggregate 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

PROPO-1

For Proposal Use Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Thomas M. Mullard

135

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Request for Qualifications

Twaalfskill Creek Stormwater Analysis

Submitted to
City of Kingston, New York



October 25, 2017

Tighe & Bond

Engineers | Environmental Specialists

Since 1925, providing New York City with T&B Engineering, PC.

Project Understanding and Approach

Introduction

Tighe & Bond will provide the City of Kingston with a detailed evaluation of the Twaalfskill watershed that will accomplish the City's Goals:

- **Understand which culverts are undersized, and what size is appropriate.**
- **Identify improvements to eliminate stream bank erosion**
- **Document construction costs for these improvements**

We will do this by:

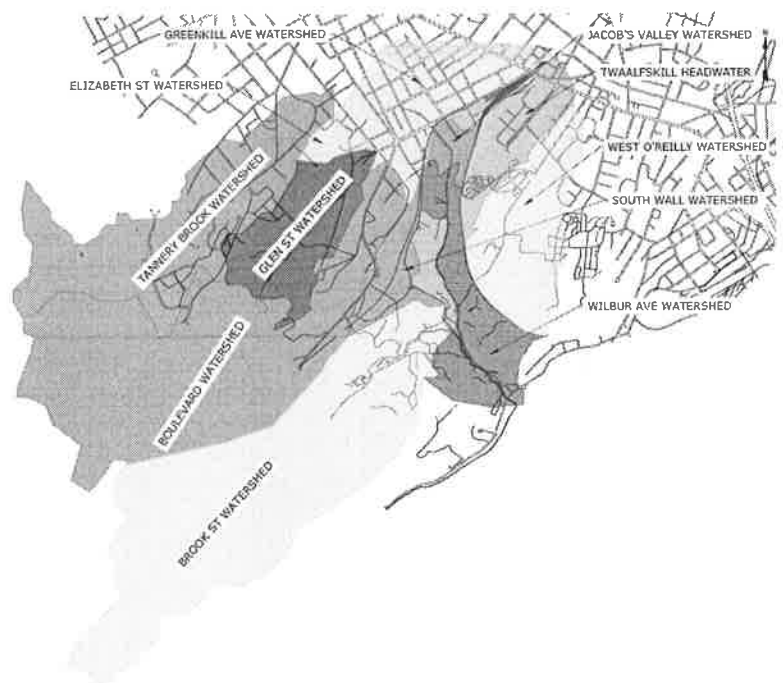
- Leveraging our status as NYSDEC certified North Atlantic Aquatic Connectivity Collaborative (NAACC) protocol Lead Coordinator, and inventorying and performing field assessments of all culverts in the study area that will qualify these crossings for future funding through the Hudson River Estuary Program's Restoration of Watershed Connectivity Grants.
- Utilizing our extensive hydrologic and hydraulic modeling experience with very similar project scopes to provide accurate and efficient results.



Project Understanding

The Twaalfskill watershed carries stormwater from over 1,800 acres that are divided into approximately ten sub-watersheds. At minimum four areas of concern have been identified by City staff, including:

1. Restriction at the Chapel Street culvert for storms greater than a 10-year frequency (as observed)
2. Surcharging at the twin culverts located at Brook Street
3. Deterioration of a stone box culvert at South Wall Street
4. Stream bank erosion at 225 Wilber Street



Project Requirements & Approach

Hydrologic and hydraulic analysis of the Twaalfskill between the City of Kingston Public Works Yard (at the CSX railroad headwall) and the Chapel Street culvert is necessary to identify where improvements are needed, properly size creek crossings, and prepare accurate construction costs. Tasks include:



Task 1: Delineation of Watershed - Utilizing mapping and documentation available through the City, GIS mapping, and field investigation, delineation of the watershed tributary to the Twaalfskill will be completed.

Task 2: Existing Condition Documentation - Field Investigation will be completed at all crossings in the study area, including completion of NAACC inventory and evaluation. Areas of significant bank erosion, or structural deterioration (in walled sections) will also be identified and documented.

The Hudson River Estuary Watershed Connectivity Grant program has three grant levels. For a project to be qualified for planning, design or construction funding, the crossings must have been previously inventoried and evaluated. As certified lead coordinators, we can complete this initial part of the process for the project area crossings. When future funding phases for crossing improvements become available, the City will be qualified to pursue these opportunities and not have to start at the beginning.

Task 3: Hydraulic & Hydrologic Analysis - Modeling and analysis will be completed for the study area including:

- Calculation of the estimated stormwater runoff from each contributing watershed for storm return periods of 2, 5, 10, 25, 50, and 100 years
- Flood routing along the flow length of the Twaalfskill Creek for the return periods identified
- A capacity analysis for the Twaalfskill Creek stream channel between Chapel Street and its headwaters
- A capacity analysis for each culvert along the length of the Twaalfskill Creek between Chapel Street and its headwaters

We will utilize flow modeling previously completed for the Washington Avenue Tunnel Analysis of the Tannery Brook and Greenkill Avenue subwatersheds.

Task 4: Recommended Improvements - The modeling and analysis will be used to identify structures or channel sections with inadequate capacity for the identified return periods. Each of these items will be identified and recommendations made for improvements including culvert resizing and bank restoration. Opinion of probable construction costs for each of the recommended improvements will be prepared.

Task 5: Reporting - We will prepare a draft report that will include summation of each of the four above tasks. We will incorporate comments from the City into a final report. We anticipate three meetings with the City as part of the reporting process including a kick-off meeting to verify concerns and scope, a draft report review meeting, and a final report review meeting.

Project Area Familiarity & Logistics

Tighe & Bond will be serving the City of Kingston from its Rhinebeck office, just 20 minutes from the Twaalfskill watershed. Tighe & Bond has worked very successfully with the City of Kingston staff previously

on our recent study of the Hasbrouck CSO sewershed and looks forward to working with the City again with another successful result.

Project Team & Experience

Contract Organization

We have assembled the following team of experts based on their knowledge of stormwater projects.



Resumes of Key Personnel

Principal-in-Charge - Dana C. Huff, P.E. (NY PE#96898) Dana is a vice president with over 38 years of experience on assignments covering a variety of disciplines. Utilizing technical, analytical, and engineering expertise, he has developed innovative and resourceful solutions to complex engineering challenges for municipal clients. His experience includes serving as principal-in-charge on multiple stormwater improvement projects including hydraulic and structural assessments of culverts and small span bridges, evaluation of repair/replacement alternatives, and rendering cost effective solutions for numerous communities. A recent example includes evaluating the stormwater collection and conveyance system in a low lying coastal area of Fairfield, Connecticut and developing and recommending a solution that will evacuate both routine storm flow and periodic storm surge to relieve prolonged flooding from within the low lying area.. As Principal-in-Charge, Dana will ensure that the appropriate resources are allocated for successful completion of this project and ensuring the project is on time and within budget.

Project Manager - Erin K. Moore, P.E. (NY PE#84665) will manage the project, oversee the day to day execution, manage the project budget, and interface with the City. Erin has 17 years of experience focusing on rehabilitation of aging municipal infrastructure, ongoing operation and maintenance needs and in meeting existing and new regulatory requirements. Erin has helped communities with evaluating and prioritizing needed improvements, cost effective design and obtaining project financing. Erin presented her analysis, design and construction of complex stormwater improvements at the Mt. Lebanon Shaker Village involving a 100-year old stone aqueduct at the Capital District Engineer's Week in Albany NY. As the director of the Tighe & Bond Rhinebeck office, she is familiar with managing all disciplines of municipal projects.

TWAALFSKILL CREEK STORMWATER ANALYSIS

Technical Leader - Joseph A. Canas, P.E., LEED AP, CFM (NY PE #86159), will serve as the technical lead for the hydrologic and hydraulic modeling of the Twaalfskill Creek Stormwater Analysis project. Joe has 23 years of experience in hydraulics and hydrology and has participated in numerous flood studies including the Manchester by the Sea flood resiliency project and Marshfield South River Study. Joe has expertise in many civil engineering disciplines, including stormwater collection systems, floodplain modeling, and construction administration. He has been involved in all phases of project execution from planning through design and construction. Joe is a Certified Floodplain Manager by the Association of State Floodplain Managers, and has actively participated in many of the firm's Connecticut floodplain management projects, both as project manager and primary hydrologic and hydraulic engineer, including the ASML Floodplain Mitigation project, the Norwalk Washington Village Floodplain Management Certification, and numerous Letter of Map Revision applications to FEMA for multiple clients. Joe is a founding member and officer of the newly created Connecticut Association of Flood Managers. Joe's floodplain management and modeling experience will be invaluable to the project.

Field Investigation- Ryan Morrison, E.I.T, and David Seche, E.I.T. will serve as the field observation team for the Twaalfskill project. Within the past year, Ryan Morrison has completed inspection of 290 culverts throughout Ulster, Green, and Dutchess County and is a NAACC certified Lead Coordinator, which allows him to inventory and assess stream crossings for inclusion in the Hudson River Estuary Database. David Seche, a City of Kingston resident, was the lead field investigator for the recent Hasbrouck CSO sewershed evaluation which included field documentation of sewer and stormwater features.

Availability & Verification of Anticipated Schedule

Each of our team members are full-time employees and are fully committed to expedite this project. We have the resources to perform this project on a fast track basis. We acknowledge a project initiation date of December 2017 and a draft report delivery date of June 2018.

Similar Project Experience

Tighe & Bond staff has extensive experience working on all types and sizes of watershed analysis and stormwater management projects including hydrological macro-analysis and hydraulic analysis of streams and rivers. We also are adept at assessing, planning, modeling, and designing both conventional and innovative improvements, including culvert replacements, stormwater drainage improvements, streambank and shoreline restoration, and outfall restorations. We utilize the latest stormwater software programs and have expertise in the planning, modeling, design and construction of all types of stormwater systems.



The understanding of the impact of stormwater and non-point source pollution on the natural environment has come into sharp focus over the last decade driving a shift in focus to a more proactive approach to stormwater management. Unlike the drainage designs of the past, which were based primarily on hydraulics and design standards, today's stormwater environment is complicated and nuanced. While the hydraulics have not gone away, today's stormwater engineering needs to consider a broad range of considerations including public perception, maintenance and funding.

Tighe & Bond staff has been providing wetlands consulting services to our clients for several decades. We take pride in having these capabilities in addition to our already renowned civil and environmental engineering services. Our staff includes nationally recognized Professional Wetland Scientists, Registered Professional Soil Scientists, and Certified Professionals in Sediment & Erosion Control. Services include wetland delineations, environmental permitting, invasive species surveys, rare species surveys, compliance

monitoring, and designing mitigation measures such as erosion control, wetlands replication areas, compensatory flood storage areas and endangered species protection.

Tighe & Bond has a long history of providing floodplain management services throughout the northeast.

Sawmill Brook Culvert Analysis, Manchester-by-the-Sea, MA:

The Town received a CZM Resiliency Grant to analyze the performance of existing culverts within the Saw Mill Brook watershed under various sea level rise and projections for increased inland precipitation. Data for the culverts was collected by Tighe & Bond field reconnaissance, with conditions at each culvert documented. Additional data gaps were filled in by survey and GIS topography. A HEC-RAS model of the watershed was created to model existing culverts in the watershed for a variety of storm frequency and sea level rise scenarios, with 41 evaluated in total. Based upon the results of the analysis, Tighe & Bond identified nine culvert improvements that were required in order to pass the selected design storm.



Unity and Twin Brooks Parks, Trumbull, CT:

Tighe & Bond was retained by the Town of Trumbull to evaluate a series of culverts through two Town parks. As part of this work, Tighe & Bond is identifying existing culverts that cannot pass the Town's current design standards using modeling analysis and field measurement as supported by observed conditions, and will make recommendations for upgrading the culverts where necessary. Probable cost estimates were prepared for the recommended improvements. Also included as part of the overall analysis is the identification of appropriate channel linings to address portions of the watercourses through both parts that have been undercut and eroded.

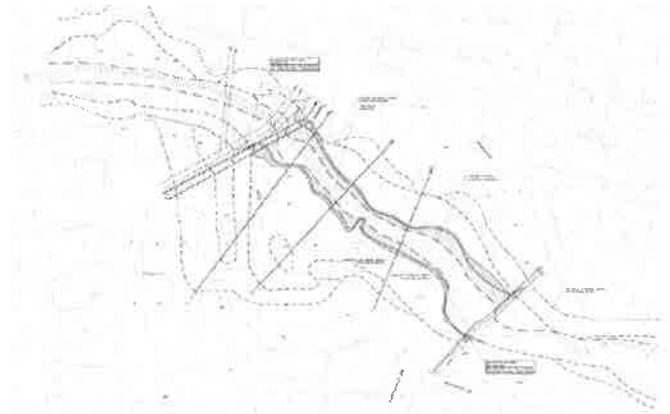


South River Study, Marshfield, MA: The South River is a low-gradient river that travels 15 miles from its source at Round Pond in Duxbury downstream to its tidal estuary at Massachusetts Bay in Marshfield. The evaluation project focused upon the hydrology and hydraulics of the river reach between Main Street (Route 3A) upstream to Chandler's Pond Dam. The river's watershed area at Main Street is 11.4 square miles. MassDER identified releases and riverine structures that impact the hydrology and hydraulics of the South River, including dams, undersized culverts, and releases from cranberry bogs.

The goal of this project was to attain a more comprehensive understanding of the resultant hydrology and hydraulics on the South River if proposed restoration actions are completed. The project evaluated existing hydrology and hydraulics along the study reach under high and low flow conditions, completed an inventory of riverine structures, including dams and culverts, and evaluated future conditions assuming removal of restrictive structures. HEC-RAS and HEC-HMS were utilized for this project.

Horse Tavern Brook Flood Study, Trumbull, CT:

The Town of Trumbull commissioned Tighe & Bond to prepare a study of Tributary A to Horse Tavern Brook. The objective was to restudy an area of the watercourse that was incorrectly mapped by the Federal Emergency Management Agency (FEMA) as being inside a floodplain. As part of the study, Tighe & Bond worked with the Town to obtain new river cross sections along the watercourse, and at each of the eight culverts, and ran a new hydraulic model in HEC-RAS format. The goal of the study was to support a valid request to FEMA for a map revision to the existing flood insurance study. FEMA accepted the results and issued a Letter of Map Revision.



ASML Floodplain Improvements, Wilton, CT:

ASML, a world-wide manufacturer of microchip lithography equipment based in the Netherlands, hired Tighe & Bond to perform an assessment of floodplain risks and potential mitigation measures at its Wilton, CT facility. The facility is located adjacent to the floodplain of the Norwalk River.

Tighe & Bond supplemented the CTDEEP's existing stream channel encroachment line model of the Norwalk River with additional survey cross sections through the site to establish a more accurate and detailed HEC-RAS model of the site. This model was used as the basis to evaluate 11 different floodplain mitigation strategies involving various changes to bridges and channel



modifications. The alternative ultimately selected reduced the floodplain elevation of the river by 2.25 feet, and was successfully permitted with the Town, CTDEEP, and USACE.

Organizational & Financial Responsibility

Tighe & Bond provides professional engineering services in New York State as T&B Engineering, P.C (Tighe & Bond). The firm, headquartered in Westfield, MA, is staffed by 325+ professionals in 8 offices, including our local office in Rhinebeck. Our engineers, scientists and planners work together in teams, sharing diverse expertise to benefit our clients.

Continuously operating since 1911, Tighe & Bond is a stable, financially sound firm. As a firm generating over \$54 million in annual revenues, we have the capacity and resources to successfully complete this project.

Tighe&Bond

Engineers | Environmental Specialists

Services provided in New York by T&B Engineering, P.C.



RESOLUTION 17 OF 2018

BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING ENGINEERING AND DESIGN WORK FOR THE TWAALFSKILL CREEK DRAINAGE ANALYSIS PROJECT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$50,000, AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. Engineering and design work for the Twaalfskill Creek Drainage Analysis Project, in and for the City of Kingston, Ulster County, New York, is hereby authorized at a maximum estimated cost of \$50,000.

Section 2. The plan for the financing thereof is by the issuance of \$50,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____

The ordinance was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

I, the undersigned Clerk of the City of Kingston, Ulster County, New York, DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 6th day of February, 2018.
- 2) That such meeting was a **special** **regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of February, 2018.

City Clerk

(CORPORATE SEAL)

BOND ORDINANCE

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at Common Council Chambers, City Hall, 420 Broadway, in said City, on the 6th day of February, 2018, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Alderman _____, who moved its adoption, seconded by Alderman _____, to wit:

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION ☒ _____
ZONING _____

TRANSFER _____
BONDING REQUEST ☒ _____
OTHER _____

DEPARTMENT Comptroller on behalf of Engineering DATE 1/24/18

Description: Respectfully request bond authorization in the amount of \$50,000 for the Twaalfskill Creek Drainage Analysis Project

Estimated Financial Impact \$50,000 Signature [Signature]

Motion by RS-C

Seconded by AD

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
<u>DA Koop</u> Douglas Koop, Chairman	☒	☐
<u>Reynolds Scott-Childress</u> Reynolds Scott-Childress Ward 3	☒	☐
<u>Anthony Davis</u> Anthony Davis, Ward 6	☒	☐
<u>Patrick O'Reilly</u> Patrick O'Reilly, Ward 7	☒	☐
<u>Steven Schabot</u> Steven Schabot, Ward 8	☒	☐

RESOLUTION #18 OF 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID (AND STATE "MARCHISELLI" PROGRAM-AID) ELIGIBLE COSTS FOR THE BROADWAY STREETSCAPE TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.

Sponsored by: Finance Committee
Aldermen Koop, Scott-Childress, Schabot, Brown, Davis

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a federal-aid transportation project, and appropriating funds therefore.

WHEREAS, a Project for the **Kingston Connectivity – Broadway: Foxhall Avenue to St. James Street in the City of Kingston, Ulster County, PIN 8780.49** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80%** Federal funds and **20%** non-federal funds; and

WHEREAS, the City of Kingston desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way incidental work.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

Section 1. That the Common Council of the City of Kingston hereby approves the above-subject project; and it is hereby further

Section 2. That the Common Council of the City of Kingston hereby authorizes the City of Kingston to pay in the first instance 100% of the federal and non-federal share of the cost of right-of-way acquisition work for the Project or portions thereof; and it is further

Section 3. That the sum of **\$62,700** is hereby appropriated from bonding and made available to cover the cost of participation in the above phase of the Project; and it is further

Section 4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Kingston shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

Section 5. That the Mayor of the City of Kingston be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Kingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

Section 6. That in addition to the Mayor, the following municipal titles: Superintendent of Public Works, City Engineer, City Comptroller, and Director of the Office of Economic & Community Development are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORTREQUEST DESCRIPTIONINTERNAL TRANSFER _____
AUTHORIZATION X _____
CLAIMS _____CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____TRANSFER _____
BONDING REQUEST _____
OTHER _____DEPARTMENT Office of Economic and Community Development DATE _____

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK
AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF
THE FEDERAL-AID (AND STATE "MARCHISELLI" PROGRAM-AID) ELIGIBLE COSTS FOR
THE BROADWAY STREETSCAPE TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFORE.

Estimated Financial Impact _____ Signature _____

Motion by ADSeconded by SS

Action Required:

SEQRA Decision:

Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
<u>DA Koop</u> Douglas Koop, Chairman	✓	
<u>Reynolds Scott-Childress</u> Reynolds Scott-Childress Ward 3	✓	
<u>Anthony Davis</u> Anthony Davis, Ward 6	✓	
<u>Steven Schabot</u> Steven Schabot, Ward 8	✓	
<u>Deborah Brown</u> Deborah Brown, Ward 9	✓	
<u>Patrick O'Reilly</u>		



CITY OF KINGSTON
OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT

Steven T. Noble, Mayor

Brenna L. Robinson, Director

December 21, 2017

Honorable James L. Noble, Jr.
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Authorizing funding in the first instance and appropriating funds for the Broadway Streetscape Project

Dear President Noble,

The City of Kingston is entering a new phase for the Broadway Streetscape Project. I am requesting placement on the Finance Committee agenda in January to discuss an action needed by the Council for this funding.

To access funds for the Right-of-Way acquisition from the NYSDOT TEP grant, the City must pass a resolution to fund the project costs in the first instance. The attached resolution, originally drafted by NYSDOT, will allow the City to request reimbursements from the NYSDOT for the first \$62,700.00 for costs of the Right-Of-Way acquisition phase. As we advance the project construction costs are more defined, NYSDOT can make more funds from this source available for reimbursement.

The City has already bonded for the total anticipated cost of the Broadway Streetscape Project.

Please feel free to contact me with any questions regarding the project. Thank you for your consideration.

Sincerely,

Brenna L. Robinson

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID (AND STATE "MARCHISELLI" PROGRAM-AID) ELIGIBLE COSTS FOR THE BROADWAY STREETSCAPE TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.

Sponsored by: Finance Committee
Aldermen Koop, Scott-Childress, Schabot, Brown, Davis

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a federal-aid transportation project, and appropriating funds therefore.

WHEREAS, a Project for the **Kingston Connectivity – Broadway: Foxhall Avenue to St. James Street in the City of Kingston, Ulster County, PIN 8780.49** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80%** Federal funds and **20%** non-federal funds; and

WHEREAS, the City of Kingston desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way incidental work.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

RESOLVE, that the Common Council of the City of Kingston hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council of the City of Kingston hereby authorizes the City of Kingston to pay in the first instance 100% of the federal and non-federal share of the cost of right-of-way acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$62,700** is hereby appropriated from bonding and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Kingston shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Kingston be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Kingston with the New York

State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Superintendent of Public Works, City Engineer, City Comptroller, and Director of the Office of Economic & Community Development are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2017

Approved by the Mayor this ____ day of _____, 2017

Carly Winnie, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____

PIN 8780.49
03/09/2017dh

RESOLUTION #19 of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING ADDITIONAL FUNDING TO PROCEED WITH THE DESIGN COSTS OF THE
HURLEY AVENUE PAVING AND COMPLETE STREETS PROJECT

Sponsored by Finance and Audit Committee:
Aldermen Koop, Scott-Childress, Davis, Schabot, O'Reilly

WHEREAS, Resolution 152 of 2017 authorized funding in the amount of \$26,000 for the Hurley Avenue Paving and Complete Streets Project

WHEREAS, the original budget for this project was significantly deficient, the City is seeking additional funding through the UCTC to cover the budget shortfall; and

WHEREAS, a request has been made for additional funding in the amount of \$44,580 in order to maintain the current design/construction schedule for the Hurley Avenue paving and complete streets project increasing the total amount authorized to \$70,580

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council authorizes the additional amount \$44,580.00 to be provided through General Municipal bonding for the Hurley Avenue Paving and Complete Streets Project

SECTION 2. That the Mayor is authorized to execute related documents

SECTION 3. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day of _____, 2018

Approved by the Mayor this _____ day of _____, 2018

Carly Winnie, City Clerk

Steven T. Noble, Mayor

Adopted by Council on February 6, 2018

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____ CONTINGENCY TRANSFER X TRANSFER _____
AUTHORIZATION X BUDGET MODIFICATION _____ BONDING REQUEST OK
CLAIMS _____ ZONING _____ OTHER _____

DEPARTMENT ENGINEERING DATE _____
Description: DURING CONSULTANT SELECTION FOR THE HURLEY
AVE, PAVING AND COMPLETE STREETS PROJECT WE BECAME
AWARE THAT OUR BUDGET WAS SIGNIFICANTLY DEFICIENT.
WE ARE CURRENTLY SEEKING ADDITIONAL FUNDING THROUGH
THE UCTC TO COVER THE BUDGET SHORTFALL. IN
ORDER TO MAINTAIN OUR DESIGN / CONSTRUCTION SCHEDULE
Estimated Financial Impact \$44,500.- Signature [Signature]

Motion by AD
Seconded by RS-C
Action Required:

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____
Conditioned Negative Declaration: _____
Seek Lead Agency Status: _____
Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
<u>[Signature]</u> Douglas Koop, Chairman	✓	
<u>[Signature]</u> Reynolds Scott-Childress Ward 3	✓	
<u>[Signature]</u> Anthony Davis, Ward 6	✓	
<u>[Signature]</u> Patrick O'Reilly, Ward 7	✓	
<u>[Signature]</u> Steven Schabot, Ward 8	✓	

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT ENGINEERING DATE _____

Description: AS AGREED WITH THE NYSDOT, WE REQUIRE ADDITIONAL FUNDING TO PROCEED WITH DESIGN.

REQUEST TO INCREASE THE FUNDING AVAILABLE FROM THE GENERAL FUND FROM \$24,000.00 AS AUTHORIZED UNDER RES 152 OF 2012 TO \$70,500.00 IN ORDER TO PROCEED WITH DESIGN. Funds will come from bonding

Estimated Financial Impact \$44,500.00 Signature [Signature]

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

Resolution 152 of 2017

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100%
OF THE FEDERAL AID AND STATE MARCHISELLI PROGRAM AID ELIGIBLE COSTS OF
A TRANSPORTATION FEDERAL AID PROJECT AND APPROPRIATING FUNDS
THEREFORE**

Sponsored By: Finance and Audit Committee: Aldermen: Koiop,
Scott-Childress, J. Noble, Schabot, Brown

WHEREAS, a project for the Hurley Avenue Paving and Complete Streets, City of Kingston, Ulster County identified as PIN 8761.94 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs for such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Kingston desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right of way incidentals; and

WHEREAS, the action is categorized under 6 NYCRR, Part 617 (c) (4), Type II, "repaving of existing travel lanes not involving the addition of new travel lanes".

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council of the City of Kingston hereby approves the above Project.

SECTION-2. That the Common Council of the City of Kingston hereby authorizes the City of Kingston to pay in the first instance 100% of the non-federal share of the costs of preliminary engineering and right of way incidental work for the Project or portions thereof.

SECTION-3. That the sum of \$26,000.00 is hereby appropriated from General Fund and made available to cover the cost of participation in the above phases of the Project.

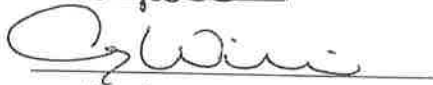
SECTION-4. That in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Common Council of the City of Kingston shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof.

SECTION-5. That the Mayor of the City of Kingston be and hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or applicable Marchiselli Aid on behalf of the City of Kingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

SECTION-6. That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project.

SECTION-7. This resolution shall take effect immediately.

Submitted to the Mayor this 2 day of
August, 2017


Carly Winnie, City Clerk

Approved by the Mayor this 2d day of
August, 2017


Steven T. Noble, Mayor

Adopted by Council on August 1, 2017

RESOLUTION #20 of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE ADOPTION OF A BOND ORDINANCE IN THE SUM OF \$70,580 FOR
ENGINEERING AND DESIGN COSTS OF THE HURLEY AVENUE PAVING AND COMPLETE
STREETS PROJECT AUTHORIZING THE MAYOR TO EXECUTE RELATED DOCUMENTS

Sponsored by Finance and Audit Committee:
Aldermen Koop, Scott-Childress, Davis, Schabot, O'Reilly

WHEREAS, a request has been made for bonding in the amount of \$70,580 to cover the costs of Engineering and Design work for the Hurley Avenue paving and complete streets project; and

WHEREAS, 95% of the project costs are expected to be reimbursed through grant funding

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council authorizes the amount of \$70,580.00 to be provided through General Municipal bonding for the Hurley Avenue Paving and Complete Streets Project

SECTION 2. That the Mayor is authorized to execute related documents

SECTION 3. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day of
_____, 2018

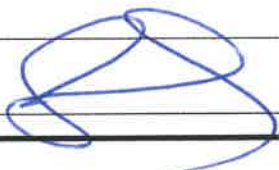
Approved by the Mayor this _____ day of
_____, 2018

Carly Winnie, City Clerk

Steven T. Noble, Mayor

Adopted by Council on February 6, 2018

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORTREQUEST DESCRIPTIONINTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X _____
ZONING _____TRANSFER _____
BONDING REQUEST _____
OTHER _____DEPARTMENT Controller on Behalf of Engineering DATE 1/24/18Description: Respectfully request bonding authorization in the amount of \$70,500 for the engineering and design costs of the Hurby Ave Paving and Complete Streets Project. (95% expected to be reimbursed through grant funding).Estimated Financial Impact \$44,500 Signature Motion by RS-C (26000 per authorized from general fund)
Seconded by SS
Action Required:

SEQRA Decision:

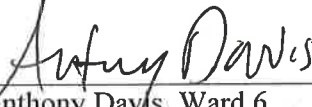
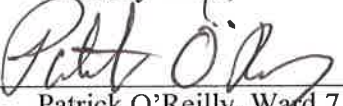
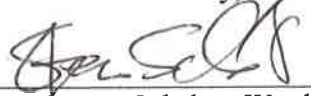
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
 Douglas Koop, Chairman	✓	
 Reynolds Scott-Childress Ward 3	✓	
 Anthony Davis, Ward 6	✓	
 Patrick O'Reilly, Ward 7	✓	
 Steven Schabot, Ward 8	✓	

RESOLUTION 21 OF 2018

BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING ENGINEERING AND DESIGN WORK FOR THE HURLEY AVENUE PAVING AND COMPLETE STREETS PROJECT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$70,580, AND AUTHORIZING THE ISSUANCE OF \$70,580 BONDS OF SAID CITY TO PAY THE COST THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. Engineering and design work for the Hurley Avenue Paving and Complete Streets Project, in and for the City of Kingston, Ulster County, New York, is hereby authorized at a maximum estimated cost of \$70,580.

Section 2. The plan for the financing thereof is by the issuance of \$70,580 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such

manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____

The ordinance was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

I, the undersigned Clerk of the City of Kingston, Ulster County, New York, DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 6th day of February, 2018.
- 2) That such meeting was a **special** **regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given **PRIOR** **THERE TO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of February, 2018.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond ordinances, a summary of which is published herewith, have each been adopted on February 6, 2018, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Kingston, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the ordinances summarized herewith is each available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Kingston, New York,
_____, 2018.

City Clerk

(1) BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING ENGINEERING AND DESIGN WORK FOR THE TWAALFSKILL CREEK DRAINAGE ANALYSIS PROJECT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$50,000, AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

Specific object or purpose:	Engineering and design work for the Twaalfskill Creek Drainage Analysis Project
Maximum Estimated Cost:	\$50,000
Period of probable usefulness:	5 years
Amount of obligations to be issued:	\$50,000 bonds

(2) BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING ENGINEERING AND DESIGN WORK FOR THE HURLEY AVENUE PAVING AND COMPLETE STREETS PROJECT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$70,580, AND AUTHORIZING THE ISSUANCE OF \$70,580 BONDS OF SAID CITY TO PAY THE COST THEREOF.

Specific object or purpose:	Engineering and design work for the Hurley Avenue Paving and Complete Streets Project
Maximum Estimated Cost:	\$70,580
Period of probable usefulness:	5 years
Amount of obligations to be issued:	\$70,580 bonds

Each of such ordinances pledges the full faith and credit of the City to the payment of the obligations authorized to be issued and delegates to the City Comptroller, the Chief Fiscal Officer, the power to authorize the issuance of and to sell such obligations. Additionally each of such resolutions contains the estoppel clause provided for by Section 80.00 of the Local Finance Law and authorizes such resolution, after taking effect to be published in summary form in the official newspaper, together with a notice of the City Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION (EFC) FOR A NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT IN THE AMOUNT OF \$5,000,000 FOR THE WWTP UPGRADES NECESSARY TO MAINTAIN COMPLIANCE WITH THE OCTOBER 25, 2016 MODIFIED SPDES DISCHARGE PERMIT, AND TO EXECUTE ANY AND ALL RELATED DOCUMENTS

Sponsored by Finance and Audit Committee
Aldermen Koop, Scott-Childress, Davis, O'Reilly, Schabot

Whereas, the Cit of Kingston is eligible to apply to the EFC under the NYS WIIA Grant Program for funds in an amount of \$5,000,000 for the purpose of making upgrades to the WWTP to meet new SPDES Permit Discharge paramets slated to go into effect in approximately four years which require more stringent nitrogen limitations of 5.9 and 9.0 mg/L (seasonally – summer and winter); and

Whereas, this application should the grant be awarded, requires a 75% match in the amount of \$3,750,000 to be provided by in-kind , force account funds, additional grants, donations, and, if necessary, bonding to be requested; and

Whereas, there are specific requirements and regulations governing the expenditure of these funds; and

Whereas, the Common Council of the City of Kingston be declared Lead Agency for the purposes of environmental significance; and

Whereas, the action is categorized under 6 NYCRR, Part 617.4 as Unlisted

Now therefore, be it resolved by the Common Council of the City of Kingston, New York as follows:

Section 1. Administration of all funds under this grant will be in accordance with all terms and conditions contained in guidelines provided by NYS EFC under the Clean Water Infrastructure Act of 2017.

Section 2. The Mayor of the City of Kingston is hereby authorized and directed to file an application for funds from NYS EFC for an WIIA Grant in the amount of \$5,000,000 and upon approval of said request to enter into and execute an agreement, and any and all related documents

Section 3. The Common Council of the City of Kingston hereby determines that the Proposed WWTP Upgrades is an Unlisted action in accordance with 6 NYCRR Section 617.4, the City of Kingston Common Council is hereby designated Lead Agent for the purposes of environmental significance, and herein determines no significant environmental impact.

Section 4. This resolution shall take effect immediately.

Submitted to the Mayor this _____ day of _____, 2018

Approved by the Mayor this _____ day of _____, 2018

Carly Winnie, City Clerk

Steven T. Noble, Mayor

Adopted by Council on February 6, 2018

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORTREQUEST DESCRIPTIONINTERNAL TRANSFER _____
AUTHORIZATION X _____
CLAIMS _____CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____TRANSFER _____
BONDING REQUEST X _____
OTHER _____DEPARTMENT ENGINEERINGDATE 1-24-2018

Description: THE CITY OF KINGSTON RECEIVED A MODIFIED
OPEDDS DISCHARGE PERMIT FOR THE WWTP IN OCTOBER,
2016 WHICH WILL NECESSITATE SIGNIFICANT IMPROVEMENTS
TO MAINTAIN FUTURE COMPLIANCE. IN JUNE 2017 THE
KINGSTON COMMON COUNCIL AUTHORIZED THE APPLICATION
FOR FUNDING IN THE AMOUNT OF \$790,000 UNDER THE
IMC GRANT PROGRAM. (70% GRANT)
 Estimated Financial Impact \$5,000,000 Signature [Signature]

Motion by SSSeconded by RS-C

Action Required:

SEQRA Decision:

Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
<u>[Signature]</u> Douglas Koop, Chairman	✓	
<u>[Signature]</u> Reynolds Scott-Childress Ward 3	✓	
<u>[Signature]</u> Anthony Davis, Ward 6	✓	
<u>[Signature]</u> Patrick O'Reilly, Ward 7	✓	
<u>[Signature]</u> Steven Schabot, Ward 8	✓	

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT <u>ENGINEERING</u>	DATE <u>1-24-2018</u>
Description: <u>I REQUEST AUTHORIZATION TO APPLY FOR ALTERNATIVE FUNDING UNDER THE WIAA GRANT PROGRAM FOR AN AMOUNT OF \$5,000,000 (25% GRANT), AND EXECUTION OF AN ASSOCIATED AGREEMENT WITH THE NYSEFC SHOULD WE BE SUCCESSFUL.</u>	
Estimated Financial Impact <u>\$5,000,000</u>	Signature <u>[Signature]</u>

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

CITY OF KINGSTON
Office of the City Engineer
rswenson@kingston-ny.gov

Ralph E. Swenson, P.E., City Engineer



Steven T. Noble, Mayor

November 29, 2017

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: NYS EFC WIIA Grant Application Authorization
Unlisted SEQRA Determination

Dear President Noble:

On October 25, 2016 the City of Kingston received a modified SPDES Permit for the Kingston WWTP. The new SPDES Permit discharge parameters slated to go into effect in approximately three and a half years require more stringent nitrogen effluent limitations of 5.9 and 9.0 mg/L (seasonally – summer and winter); these new parameters require major upgrades to plant processes.

Under the NYS Water Infrastructure Improvement Act (WIIA) & the NYS Intermunicipal Water Infrastructure Grant Program (IMG) \$150M is available over the next three years through IMG / WIIA Grants for water quality infrastructure improvements. Under the WIIA Grant Program project funding is limited to the lesser of \$5M or 25% of net eligible costs, under the IMG Grant Program project funding is limited to the lesser of \$10M or 40% of net eligible costs.

Previously the Council authorized the submission of a grant application under the IMG Grant Program, see Resolution 118 of 2017, for the anticipated upgrades to WWTP plant processes in the amount of \$7,900,000, including engineering fees and construction costs identified in the Arcadis Preliminary Report dated May 31, 2017. We now also request authorization to apply for grant funding under the WIIA Grant Program with similar stipulations as those enumerated within Resolution 118 of 2017.

In addition, I am also attaching a completed Short Environmental Assessment Form, and a project area map. In accordance with 6 NYCRR, Part 617, the proposed project is Unlisted. Please identify the City of Kingston as Lead Agent, and affirm my Unlisted SEQR determination.

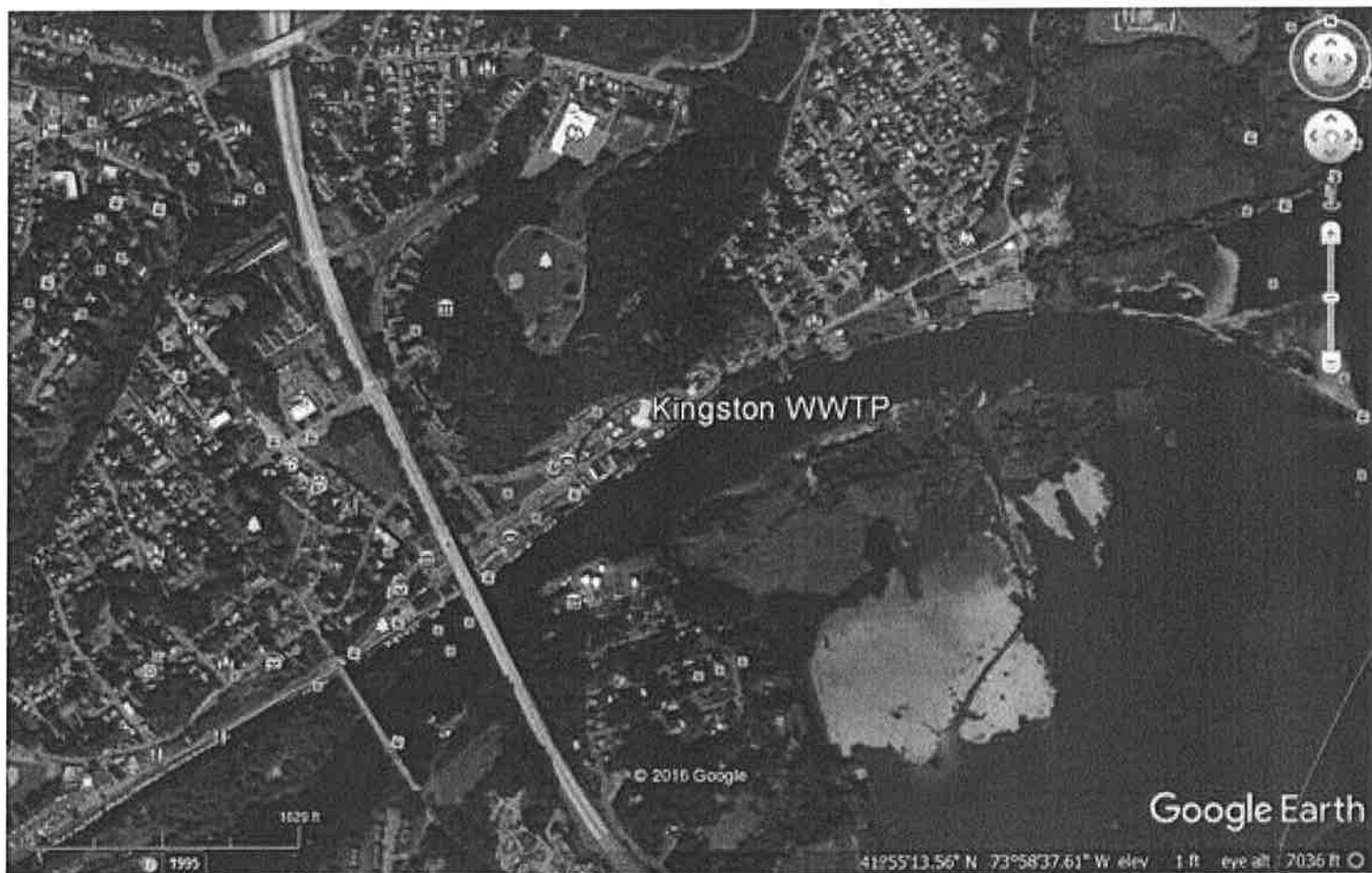
Please forward this communication to the next regularly scheduled Finance Committee for further discussion.

Should you have any questions, do not hesitate to contact me.

Respectfully,

Ralph Swenson
City Engineer

Cc: Steven T. Noble, Mayor
John Tuey, Comptroller
Douglas Koop, Chair, Finance Committee





Environmental Facilities Corporation

ANDREW M. CUOMO
Governor

SABRINA M. TY
President and CEO

October 27, 2017

The Honorable Steven Noble
Mayor
City of Kingston
420 Broadway
Kingston, NY 12401

Re: Project No. C3-5374-08-00
WWTP Denitrification
City of Kingston
Ulster County

Dear Mayor Noble:

Thank you for your application to the NYS Water Infrastructure Improvement Act (WIIA) and Intermunicipal Water Infrastructure Grants Program (IMG) grant programs. Your community's project could not be considered during this round because the applications were incomplete. Your applications may be held for consideration only if the following item, which is required for an acceptable application in both programs, is received by the next grant application due date.

- Board Resolution Outlining Plan of Finance

Please complete and return the enclosed acknowledgement form to the NYS Environmental Facilities Corporation (EFC) no later than **November 10, 2017**.

We appreciate your interest in the WIIA and IMG programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy P. Burns".

Timothy P. Burns, P.E.
Director

Division of Engineering & Program Management

cc.: Arcadis – Mr. A.J. Brooks

ACKNOWLEDGMENT FORM

Please sign below and return to nyswatergrants@efc.ny.gov no later than **November 10, 2017**.

ACKNOWLEDGED:

City of Kingston

Project No. C3-5374-08-00

The City would like their application to be held and to be considered for the next round of WIIA grant.

☐ Yes

☐ No

The City would like their application to be held and to be considered for the next round of IMG grant.

☒ Yes

☐ No


RALPH SWANSON
CITY ENGINEER

(Signature of Authorized Representative)

(Print Name)

(Title)

11-15-17 (Date)

Short Environmental Assessment Form

Part 1 - Project Information

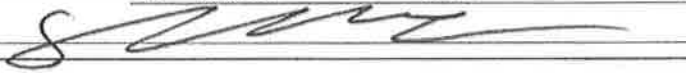
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: City of Kingston WWTP Upgrade			
Project Location (describe, and attach a location map): City of Kingston, Garraghan Drive/Murray Street, Kingston, NY 12401			
Brief Description of Proposed Action: Kingston WWTP Process Upgrades for the purpose of compliance with the October 25, 2016 Modified SPDES Permit; nitrogen limitations of 5.9 and 9.0 mg/L (seasonally – summer and winter).			
Name of Applicant or Sponsor: City of Kingston		Telephone: 845-334-3967 E-Mail: SNoble@kingston-ny.gov	
Address: 420 Broadway			
City/PO: Kingston		State: NY	Zip Code: 12401
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: New York State Department of Environmental Conservation New York State Environmental Facilities Corporation		NO ☐	YES ☒
3.a. Total acreage of the site of the proposed action?		2.0 acres	
b. Total acreage to be physically disturbed?		0.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): <u>Municipal</u> ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☒	☐	
Not applicable			
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☒	☐	
Not Applicable			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
WWTP Process Upgrades on the site of the existing treatment plant.			
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional			
☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	☒	☐	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	☐	☒	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	☒	☐	
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?			
If Yes, briefly describe: ☐ NO ☐ YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>City of Kingston / Steve Noble, Mayor</u> Date: <u>June 1, 2017</u> Signature: <u></u>		



GRANT APPLICATION

NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) & NYS INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS PROGRAM (IMG) CLEAN WATER

A. APPLICANT

Name of Applicant: City of Kingston County: Ulster
Federal I.D. Number: 14-6002267 DUNS Number: 020673166

Authorized Representative: Steve Noble Phone: 845-334-3902
Title: Mayor Email: mayor@kingston-ny.gov
Mailing Address: 420 Broadway
Kingston, NY 12401

Daily Contact Name: Ralph Swenson Phone: 845-334-3967
Title: City Engineer Email: rswenson@kingston-ny.gov
Company: _____

Engineering Consultant: A.J. Brooks Phone: 1-518-250-7374
Title: Staff Water Engineer Email: a.j.brooks@arcadis.com
Company: Arcadis of NY

B. GENERAL INFORMATION

Project Name: City of Kingston WWTP DENITRIFICATION
Project Location: City of Kingston Wastewater Treatment Plant
41.9201 Latitude -73.9773 Longitude
Service Area: City of Kingston
Population of Project Area: 24,000
SPDES Permit Number: NY0029351
Waterbody affected by project: Rondout

Legislative Districts (you may include two districts)		
US	NY	NY
Congress	Senate	Assembly
<u>NY-19</u>	<u>46</u>	<u>103</u>

Estimated Total Project Cost: \$ 7,900,000 Design Start Date: 9/1/17 (☒T / ☐A)

Construction Start Date: 5/1/18 (☒T / ☐A) Construction End Date: 5/1/19 (☒T / ☐A)

Check "T" for a target date and "A" for an actual date



C. GRANT CATEGORY

Identify the grant program(s) for which you are applying by checking the appropriate box or boxes below.

- ☒ New York Water Infrastructure Improvement Act (WIIA) grant
- ☒ Intermunicipal Water Infrastructure Grants Program (IMG) grant

D. PROJECT INFORMATION

1. Provide a brief description of your project.

In October 2016 the NYS DEC renewed the City of Kingston's SPDES Permit. The SPDES Permit was modified to include seasonal nitrogen discharge limits of 5.9 and 9.4 mg/L, as opposed to an ultimate oxygen demand (UOD) limit that was previously required. In order to meet the discharge limitations set forth in the City's SPDES Permit, the conventional activated sludge process is required to be upgraded for biological nutrient removal. The existing wastewater treatment plant does not have significant available land for additional tankage and the City has determined the most cost effective solution to meet seasonal nitrogen discharge limits is to convert the existing conventional activated sludge process to a ballasted floc activated sludge process to raise SRTs and maintain settleability of secondary sludge. Construction at the wastewater treatment plant includes replacement of the fine bubble aeration system with jet aeration/mixing, new turbo blowers and aeration controls, modification of in-tank baffles and gates, construction of a new +/-1,000 square foot structure to enclose new equipment for the ballasted floc activated sludge process, a 30 foot tall storage silo, and miscellaneous site improvements. The results of this Project will be significant reduced loadings for BOD and total Nitrogen for the Rondout Creek.

2. If applying for an IMG grant, describe how the project involves more than one municipality and is the best solution for an identified water quality problem.

The City of Kingston has two intermunicipal agreements in place with neighboring communities. Per each agreement, City is required to treat up to 646,000 gpd from the Town of Esopus and 75,000 gallons per day from the Town of Ulster. Jointly, wastewater from these three communities is treated at the City's wastewater treatment plant and the Town's of Esopus and Ulster comprise about 10 percent of the total flow. If they were required to construct and operate two smaller wastewater treatment plants, there would be a significant increase in costs from the two communities for BNR for nitrogen control. The use of the City's wastewater treatment plant offers significant savings.



3. Is the project required to be undertaken by an executed enforcement instrument or a SPDES permit (e.g., notice of violation, consent order, judicial order, compliance schedule, DEC-approved Long Term Control Plan)?

☐ No ☒ Yes

If yes, indicate the type, date of execution and reason for the enforcement action as it relates to the project. Please submit a copy of the executed enforcement instrument to EFC with the grant application.

The NYS DEC renewed the City's SPDES Permit in October 2016 to include seasonal effluent nitrogen limits of 5.9 and 9.4 mg/L as ammonia. The wastewater treatment plant currently cannot meet this effluent nitrogen limit. In order to meet this limit the NYS DEC has provided a 30 month schedule of compliance. An approvable engineering report is required to be submitted to the NYS DEC within 18 months or before April 2018. The City completed the engineering report nearly one year prior to the this date. Approvable plans, specifications, and construction schedule are to be submitted to the NYS DEC within 12 months of securing approval of the engineering report.

While a ballasted floc activated sludge process is not required by the City's LTCP for CSOs, the process will improve effluent quality during wet weather the the magnetite addition with a specific gravity of 5.1. The high specific gravity greatly increases the settleability of the sludge.

4. Describe the project's community impacts, including but not limited to public support for the project, critical community resources served by this project, or economic development impacts.

The discharge of the City's wastewater treatment plant is to the Rondout Creek, a tributary of the Hudson River. The Rondout is a popular for recreation (boating, fishing, kayaking, etc.) for the City of Kingston and the Town of Esopus. This reach of the Rondout is a location that the City has been promoting redevelopment and many cultural activities. There are a significant number of restaurants in this vicinity. By reducing the nitrogen discharged from the City's wastewater treatment plant the nutrient loading in the Rondout will decrease and reduce the chance for algal blooms that seem to be more prevalent with climate change. This project will also create new jobs at the wastewater treatment plant for both temporary construction and skilled operations staff, thus having a positive impact on the economy.

5. Is the project identified in any regional planning initiatives (e.g. a Comprehensive Plan, Regional Planning document, Waterfront Revitalization Plan, Watershed Plan or Estuary Plan)?

☒ No ☐ Yes

If yes, describe below and attach applicable documents:

Not applicable



6. Does the project require easements or land acquisition?

☐ No ☒ Yes

If yes, describe the status of obtaining the easements and/or land:

The City Council has approved the purchase of the property adjacent to the WWTP contingent upon completion of a due diligence process.

7. Does the project require debt exclusion approval from the Office of the State Comptroller (OSC)?

☒ No ☐ Yes

If yes, describe the status:

Not applicable



**Environmental
Facilities Corporation**

**NYS WATER INFRASTRUCTURE IMPROVEMENT ACT
INTERMUNICIPAL WATER INFRASTRUCTURE
CLEAN WATER**

8. Check the applicable box(es) to indicate the financing plan for the balance of the project following a grant award.

- ☐ Municipal Contributions Amount: \$ _____
- ☐ Interfund Borrowing Amount: \$ _____
- ☐ CWSRF Financial Assistance

☐ The project is currently listed on the 2017 Intended Use Plan (IUP)
CWSRF Project Number: _____

☐ A project listing for the 2018 IUP will be submitted

Note: If awarded an IMG grant, the project will not be eligible for subsidized financing through EFC and will only be eligible to apply for short-term market rate financing.

☒ Non-EFC Debt/Grants

Type (BAN*, Bonds, Grants, other)	Amount	Status (provide dates)		
		Applied	Approved	Received
Municipal Bond	\$4,740,000	9/1/2017		

*Please indicate if the BAN is callable, and if so, provide call date.

☐ Other Funding, please describe

9. Has the Applicant submitted timely annual financial reports to OSC for each of the last three years?

☐ No ☒ Yes If no, please explain:

Not applicable



E. TOTAL PROJECT BUDGET

Please add line items to the budget as needed. If you have additional questions, please call EFC or refer to the Intended Use Plan.

Category	Estimated Costs
1. Construction Costs	
Contract 1	\$ 5,530,000
Contract 2	\$ 380,000
Contract 3	\$ 90,000
Contract 4	\$
2. Engineering Costs	
a. Planning	\$ 35,000
b. Design	\$ 250,000
c. Construction	\$ 365,000
d. Other	\$
3. Other Expenses	
a. Local Counsel	\$ 12,500
b. Bond Counsel	\$ 12,500
c. Work Force	
- Technical	\$ 12,500
- Administrative	\$ 12,500
d. Fiscal Services	\$
e. Net Interest	\$
f. Miscellaneous (please describe)	\$
	\$
	\$
	\$
4. Equipment	\$
5. Land Acquisition	\$ 250,000
6. Contingencies	\$ 1,025,000
7. Total Project Costs (sum lines 1-6)	\$ 7,900,000
8. Less: Other Sources of Funding	\$
9. Total Financial Assistance Requested (line 7 minus line 8)	\$
10. SRF Issuance Costs ¹ . Percentages should be applied to line 9.	
a. Direct Expenses (1.0%)	\$
b. State Bond Issuance Charge (.84%)	\$
11. TOTAL (sum of lines 9, 10a, and 10b)	\$

¹ Applicable to long-term non-hardship financings.



F. REQUIRED DOCUMENTS

- For All Applications: The following documents are **required and must be submitted with the application** if not previously submitted to EFC. If any of these items are unavailable, do not continue with the application at this time.

Enclosed	Previously Submitted to EFC	
☒	☐	Engineering Report
☒	☐	Smart Growth Assessment Form
☒	☐	Environmental Review Determination
☒	☐	SHPO Project Review Determination Letter
☒	☐	Bond Resolution (Certified) and/or Board Resolution (Certified)

- As Applicable: the following documents are **required and must be submitted with the application** if not previously submitted to EFC. If any of these items apply to your project and are unavailable, do not continue with the application at this time.

Enclosed	Previously Submitted to EFC	Not Applicable	
☒	☐	☐	Intermunicipal Agreement (Executed and Current) <i>(Required if applying for IMG)</i>
☐	☐	☒	CWSRF Financing Application <i>(Required if applying for WIIA or IMG grants with CWSRF Financing)</i>
☐	☐	☒	Sewer District, District Extension Formation or Other OSC Approvals

G. SUPPORTING DOCUMENTS

Submit any documents that demonstrate support for and/or readiness to proceed with the project.



H. ACKNOWLEDGEMENTS

1. Upon submission of this application, you acknowledge your responsibility to comply with New York State Executive Law, Article 15-A with respect to Minority and Women's Business Enterprise – Equal Employment Opportunity requirements, and to the State Smart Growth Public Infrastructure Policy Act. By checking this box, you acknowledge that you are aware of these obligations and that you are authorized to make this acknowledgement on behalf of the applicant.

IMG MWBE goals with CWSRF financial assistance - 24%

WIIA MWBE goals with CWSRF financial assistance - 23%

MWBE goals for WIIA or IMG Grant-Only applicants - 30%

EEO goals for all applicants - % varies by County (<http://www.efc.ny.gov/mwbe>)

☒ Acknowledged

2. In order to receive financing assistance through the CWSRF, you will need to meet various other New York State and federal requirements. These requirements include, but are not limited to, Davis-Bacon Federal Prevailing Wage and related acts, and American Iron and Steel requirement. Recipients of SRF financial assistance will be required to perform certain actions to verify compliance and ensure certain provisions are contained in all contracts and subcontracts. By checking this box, you acknowledge that you are aware of this requirement and that you are authorized to make this acknowledgement on behalf of the Applicant.

☒ Acknowledged

Please refer to the current IUP for your responsibilities under these programs.



I. SIGNATURE FOR GRANT APPLICATION

CERTIFICATION: On behalf of the Applicant, and in accordance with the board resolution by

Common Council of the City of Kingston

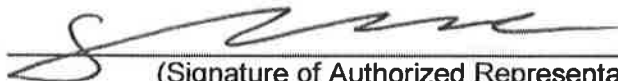
(governing body of municipal applicant)

authorizing me to do so, I apply for a WIIA grant or IMG grant for the project described in this application. By signing this application, I certify and agree on behalf of the Applicant and its governing body that all of the information contained in this application, in other statements and exhibits attached hereto or referenced herein, and in all statements, data and supporting documents which have been made or furnished for the purpose of receiving a WIIA grant or IMG grant for the project(s) described herein, are true, correct and complete to the best of my knowledge and belief.

I further agree on behalf of the Applicant that, if CWSRF Assistance is provided for the project described in this application, the Applicant shall comply with all applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et. Seq. Chapter 565 of the Laws of New York of 1989, 6 NYCRR Part 649 and 21 NYCRR Part 2602, as amended, regarding CWSRF Assistance.

I further agree that the Applicant will comply with the provisions of the Minority and Women's Business Enterprise – Equal Employment Opportunity requirements of Article 15-A of the New York State Executive Law, and will maintain such records and take such actions necessary to demonstrate such compliance throughout the construction of the project.

Further, I acknowledge that offering a written instrument knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law.


(Signature of Authorized Representative)
Steve Noble, Mayor

6/22/17
(Date)

CITY OF KINGSTON
(Name and Title)
(Applicant)



Smart Growth Assessment Form

New York State Revolving Funds (CWSRF & DWSRF)

This form should be completed by the applicant's project engineer or other design professional.¹ Please refer to EFC's "Smart Growth Guidance".²

Applicant Information

SRF Applicant: City of Kingston

SRF No.: _____

Project Name: WWTP Denitrification Upgrade Project

Is project construction complete? ☐ Yes, date: _____

☒ No

Project Summary: (provide a short project summary in plain language including the location of the area the project serves)

Section 1- Screening Questions

1. Prior Approvals

1A. Has the project been previously approved for SRF financing?

Yes ☐

No ☒

1B. If so, what was the SRF project number(s) for the prior approval(s)?

SRF No.: _____

Is the scope of the project substantially the same as that which was approved?

Yes ☐

No ☐

IF THE PROJECT WAS PREVIOUSLY APPROVED BY EFC'S BOARD AND THE SCOPE OF THE PROJECT HAS NOT MATERIALLY CHANGED, THE PROJECT IS NOT SUBJECT TO SMART GROWTH REVIEW. SKIP TO SIGNATURE BLOCK.

2. New or Expanded Infrastructure

2A. Does the project add new wastewater collection/new water mains or a new wastewater treatment system/water treatment plant?

Yes ☐

No ☒

Note: A new infrastructure project adds wastewater collection/water mains or a wastewater treatment/water treatment plant where none existed previously

2B. Will the project result in either:

An increase of the State Pollution Discharge Elimination System (SPDES) permitted flow capacity for an existing treatment system;

Yes ☐

No ☒

OR

An increase such that a NYSDEC water withdrawal permit will need to be obtained or modified, or result in the NYSDOH approving an increase in the capacity of the water treatment plant?

Note: An expanded infrastructure project results in an increase of the SPDES permitted flow capacity for the wastewater treatment system, or an increase of the permitted water withdrawal or the permitted flow capacity for the water treatment system.

¹ If project construction is complete and the project was not previously financed through the SRF, an authorized municipal representative may complete and sign this assessment.

² Available at the [Smart Growth Website](#)

IF THE ANSWER IS "NO" TO BOTH "2A" AND "2B" ON THE PREVIOUS PAGE, THE PROJECT IS NOT SUBJECT TO FURTHER SMART GROWTH REVIEW. SKIP TO SIGNATURE BLOCK.

3. Court or Administrative Consent Orders

3A. Is the project expressly required by a court or administrative consent order?

Yes ☐

No ☒

3B. If so, have you previously submitted the order to NYS EFC or DOH?
If not, please attach.

Yes ☐

No ☒

Section 2- Additional Information Needed for Relevant Smart Growth Criteria

EFC has determined that the following smart growth criteria are relevant for SRF projects and that projects must meet each of these criteria to the extent practicable:

1. Uses or Improves Existing Infrastructure

1A. Does the project use or improve existing infrastructure?
Please Describe:

Yes ☒

No ☐

2. Serves a Municipal Center

Projects must serve an area in either 2A, 2B or 2C to the extent practicable.

2A. Does the project serve an area **limited** to one or more of the following municipal centers?

- | | | |
|---|---|--|
| i. A city or incorporated village | Yes ☒ | No ☐ |
| ii. A central business district | Yes ☒ | No ☐ |
| iii. A main street | Yes ☒ | No ☐ |
| iv. A downtown area | Yes ☒ | No ☐ |
| v. A Brownfield Opportunity Area
(for more information, go to the Department of State Website & search "Brownfield") | Yes ☒ | No ☐ |
| vi. A downtown area of a Local Waterfront Revitalization Program Area
(for more information, go to the Department of State Website & search "Waterfront Revitalization") | Yes ☒ | No ☐ |
| vii. An area of transit-oriented development | Yes ☐ | No ☒ |
| viii. An Environmental Justice Area
(for more information, go to DEC'S Page of County Environmental Justice Area Maps) | Yes ☒ | No ☐ |
| ix. A Hardship/Poverty Area | Yes ☒ | No ☐ |

Please Describe All Selections:

2B. If the project serves an area located outside of a municipal center, does it serve an area located adjacent to a municipal center which has clearly defined borders, designated for concentrated development in a municipal or regional comprehensive plan and exhibit strong land use, transportation, infrastructure and economic connections to an existing municipal center?

Yes ☐

No ☐

Please Describe:

2C. If the project is not located in a municipal center as defined above, is the area designated by a comprehensive plan and identified in zoning ordinance as a future municipal center?

Yes ☐

No ☐

Please describe and reference applicable plans:

3. Resiliency Criteria

3A. Was there consideration of future physical climate risk due to sea-level rise, storm surge, and/or flooding during the planning of this project?

Yes ☐

No ☐

Please Describe:

Signature Block: By entering your name in the box below, you agree that you are authorized to act on behalf of the applicant and that the information contained in this Smart Growth Assessment is true, correct and complete to the best of your knowledge and belief.

Applicant Name: City of Kingston

Phone Number: (845) 334-3967

Name & Title of Project Engineer or Design Professional or Authorized Municipal Representative:

Ralph Swenson, City Engineer

Signature: Ralph Swenson

Digitally signed by Ralph Swenson
DN: cn=Ralph Swenson, o=City of Kingston, ou=Office of
the City Engineer, email=swensonr@kingston.ny.gov,
c=US
Date: 2017.06.21 13:34:29 -0400

Date: 06/21/2017

NYS WATER INFRASTRUCTURE IMPROVEMENT
ACT (WEIA) GRANT

RESOLUTION 118 of 2017

\$5,000,000

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE NEW YORK STATE
ENVIRONMENTAL FACILITIES CORPORATION (EFC) FOR AN INTERMUNICIPAL
GRANT (IMG) PROGRAM GRANT IN THE AMOUNT OF \$7,900,000 FOR THE WWTP
UPGRADES NECESSARY TO MAINTAIN COMPLIANCE WITH THE OCTOBER 25, 2016
MODIFIED SPDES DISCHARGE PERMIT, AND TO EXECUTE ANY AND ALL RELATED
DOCUMENTS.

Sponsored by: Finance and Audit Committee

\$5,000,000

NYS WEIA GRANT PROGRAM

WHEREAS, the City of Kingston is eligible to apply to the EFC under the Intermunicipal Grant
Program (IMG) for funds in an amount of \$7,900,000 for the purpose of making upgrades to the
WWTP to meet new SPDES Permit discharge parameters slated to go into effect in approximately four
years which require more stringent nitrogen limitations of 5.9 and 9.0 mg/L (seasonally – summer and
winter); and

\$3,750,000

75%

WHEREAS, this application, should the grant be awarded, requires a 60% match in the amount of
\$4,740,000 to be provided by in-kind, force account funds, additional grants, donations and, if necessary,
bonding to be requested; and

WHEREAS, there are specific requirements and regulations governing the expenditure of these funds;
and

WHEREAS, the action is categorized under 6 NYCRR, Part 617.4 as Unlisted.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF
KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. Administration of all funds under this grant will be in accordance with all terms and
conditions contained in guidelines provided by NYS EFC under the Clean Water Infrastructure Act of
2017.

WEIA

\$5,000,000

SECTION 2. The Mayor of the City of Kingston is hereby authorized and directed to file an
application for funds from NYS EFC for an IMG Grant in the amount of \$7,900,000, and upon
approval of said request to enter into and execute an agreement, and any and all related documents.

SECTION 3. The Common Council of the City of Kingston hereby determines that the
Proposed WWTP Upgrades is an Unlisted action in accordance with 6 NYCRR
Section 617.4, the City of Kingston Common Council is hereby designated Lead Agent for the purpose
of environmental significance, and herein determines no significant environmental impact.

SECTION 4. This resolution shall take effect immediately.

Submitted to the Mayor this 7th day

Approved by the Mayor this 8th day

of

June 2017

of

June 2017

Deborah A. Green
Carly Williams, City Clerk

Steven T. Noble, Mayor

Adopted by Council on

June 10, 2017
2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE ADOPTION OF A BOND ORDINANCE IN THE SUM OF \$1,500,000 FOR
REPLACEMENT OF WATER INFRASTRUCTURE IN CONJUNCTION WITH THE NYS DEPARTMENT
OF TRANSPORTATION ROUNDABOUT PROJECT AT I-587 AND ALBANY AVENUE

Sponsored By Finance and Audit Committee:
Aldermen Koop, Scott-Childress, Davis, Schabot, Brown

WHEREAS, at their meeting on December 20, 2017, the Board of Water Commissioners resolved to replace infrastructure in relation to the NYS DOT I-587 Roundabout project, contingent upon Common Council approval of a bond; and

WHEREAS, it is estimated that this work, including design, construction, project management and administration will cost approximately \$1,500,000

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council authorizes the amount of \$1,500,000.00 to be provided through General Municipal bonding to fund water infrastructure improvements in the area of the I-587 and Albany Avenue intersection

SECTION 2. That the Mayor is authorized to execute related documents, including a utility work agreement

SECTION 3. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day of

_____, 2018

Carly Winnie, City Clerk

Approved by the Mayor this _____ day of

_____, 2018

Steven T. Noble, Mayor

Adopted by Council on February 6, 2017

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____ AUTHORIZATION _____ CLAIMS _____	CONTINGENCY TRANSFER _____ BUDGET MODIFICATION _____ ZONING _____	TRANSFER _____ BONDING REQUEST <u>X</u> _____ OTHER _____
DEPARTMENT Water		DATE January 24, 2018
Description: The Board of Water Commissioners is requesting Common Council approval for a bond in an amount not to exceed \$1,500,000 to replace the Department's water infrastructure within the limits of the New York State DOT's 587 Roundabout Project		
Estimated Financial Impact \$1,500,000		Signature _____

Motion by SS
Seconded by RS-C

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action X

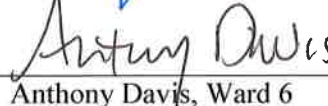
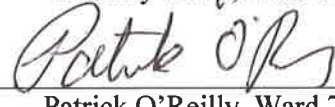
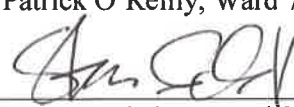
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
 Douglas Koop, Chairman	✓	
 Reynolds Scott-Childress Ward 3	✓	
 Anthony Davis, Ward 6	✓	
 Patrick O'Reilly, Ward 7	✓	
 Steven Schabot, Ward 8	✓	

Commissioners

Dennis Croswell
President
Robert Nieldski
Secretary
Joanne Seche
Margaret Gruner
Harold Bonavita-Goldman



Steve Noble
Mayor

Judith A. Hansen
Superintendent

Kingston Water Department

PO Box 1537
Kingston, N.Y. 12402

December 21, 2017

Hon. James Noble, Jr.
Common Council of the City of Kingston
420 Broadway
Kingston, NY 12401

Re: Request for Approval for Bond for Replacement of Water Infrastructure in NYSDOT's 587 Roundabout Project

Dear President Noble:

At their meeting on December 20, 2017, the Board of Water Commissioners resolved to replace their infrastructure in the referenced project, contingent upon the approval of a bond for this work by the Common Council. It is estimated that this work, including design, construction, project management and administration will cost \$1,500,000.

Therefore, on behalf of the Board of Water Commissioners, I respectfully request the Council's consideration of a bond in an amount not to exceed \$1,500,000.

In advance, I thank you for your consideration of this matter. I look forward to meeting with you and the members of the Council's Finance Committee to answer questions and discuss the project.

Sincerely

Judith A. Hansen
Superintendent

Cc: Dennis Croswell, President
Steve Noble, Mayor
John Tuey, Comptroller

RESOLUTION 24 OF 2018

BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING THE REPLACEMENT OF WATER INFRASTRUCTURE IN NYSDOT'S 587 ROUNDABOUT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,500,000, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. Replacement of water infrastructure in NYSDOT's 587 Roundabout in and for the City of Kingston, Ulster County, New York, is hereby authorized at a maximum estimated cost of \$1,500,000.

Section 2. The plan for the financing thereof is by the issuance of \$1,500,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together

with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____

The ordinance was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

I, the undersigned Clerk of the City of Kingston, Ulster County, New York, DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 6th day of February, 2018.
- 2) That such meeting was a special regular (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of February, 2018.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond ordinances, a summary of which is published herewith, have each been adopted on February 6, 2018, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Kingston, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the ordinances summarized herewith is each available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Kingston, New York,
_____, 2018.

City Clerk

(1) BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING DESIGN COSTS IN CONNECTION WITH THE COOPER LAKE DAM REHABILITATION PROJECT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$800,000, AND AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

Specific object or purpose:	Design costs in connection with the Cooper Lake Dam Rehabilitation Project
Maximum Estimated Cost:	\$800,000
Period of probable usefulness:	5 years
Amount of obligations to be issued:	\$800,000 bonds

(2) BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING THE REPLACEMENT OF WATER INFRASTRUCTURE IN NYSDOT'S 587 ROUNDABOUT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,500,000, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

Specific object or purpose:	Replacement of water infrastructure in NYSDOT'S 587 Roundabout
Maximum Estimated Cost:	\$1,500,000
Period of probable usefulness:	40 years
Amount of obligations to be issued:	\$1,500,000 bonds

Each of such ordinances pledges the full faith and credit of the City to the payment of the obligations authorized to be issued and delegates to the City Comptroller, the Chief Fiscal Officer, the power to authorize the issuance of and to sell such obligations. Additionally, each of such ordinances contains the estoppel clause provided for by Section 80.00 of the Local Finance Law and authorizes such ordinances, after taking effect to be published in summary form in the official newspaper, together with a notice of the City Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

BOND ORDINANCE

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at Common Council Chambers, City Hall, 420 Broadway, in said City, on the 6th day of February, 2018, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Alderman _____, who moved its adoption, seconded by Alderman _____, to wit:

RESOLUTION #25 of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE ADOPTION OF A BOND ORDINANCE IN A SUM NOT TO EXCEED \$800,000
FOR ENGINEERING DESIGN AND PRE-DESIGN INVESTIGATIONS FOR THE RENOVATIONS
OF THE KINGSTON WATER DEPARTMENT'S COOPER LAKE DAM AND WEST DIKE IN
ACCORDANCE WITH NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
2009 DAM SAFETY REGULATIONS

Sponsored By Finance and Audit Committee:
Aldermen Koop, Scott-Childress, Davis, Schabot, Brown

WHEREAS, in 2009 the NYS Department of Environmental Conservation promulgated dam safety regulations that require dam owners to conduct detailed engineering evaluations of their dam structures and bring them into compliance with today's standards; and

WHEREAS, the Board of Water Commissioners has submitted a schedule to the NYS DEC that calls for project design to be done in 2018 so that construction can start in 2019 and be completed by 2020; and

WHEREAS, the cost for design is estimated at \$800,000 and includes \$150,000 for pre-design geotechnical explorations and \$650,000 in design fees; and

WHEREAS, at their December 20, 2017 meeting, the Board of Water Commissioners authorized the submission of a request for bonding in the amount of \$800,000 to cover the cost of this work; and

WHEREAS, the balance of project costs, estimated to be approximately \$6,000,000 will be bonded for a later date, as costs become refined.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council authorizes the amount of \$800,000.00 to be provided through General Municipal bonding to fund engineering design costs for evaluation of the Kingston Water Department's dam structures

SECTION 2. That the Mayor is authorized to execute related documents

SECTION 3. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day of _____, 2018

Approved by the Mayor this _____ day of _____, 2018

Carly Winnie, City Clerk

Steven T. Noble, Mayor

Adopted by Council on February 6, 2017

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____ AUTHORIZATION _____ CLAIMS _____	CONTINGENCY TRANSFER _____ BUDGET MODIFICATION _____ ZONING _____	TRANSFER _____ BONDING REQUEST X OTHER _____
DEPARTMENT Water		DATE January 24, 2018
Description: The Board of Water Commissioners is requesting Common Council approval for a bond in an amount not to exceed \$800,000 for engineering design and pre-design investigations for the renovations of the Department's Cooper Lake Dam and West Dike. These renovations are mandated by the New York State Department of Environmental Conservation 2009 Dam Safety Regulations. Estimated Financial Impact \$800,000 Signature _____		

Motion by AD
Seconded by SS

Action Required:

SEQRA Decision:

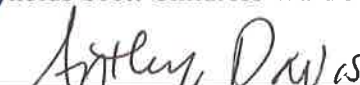
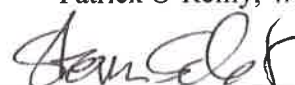
Type I Action _____
Type II Action **X**
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
 Douglas Koop, Chairman	✓	
 Reynolds Scott-Childress Ward 3	✓	
 Anthony Davis, Ward 6	✓	
 Patrick O'Reilly, Ward 7	✓	
 Steven Schabot, Ward 8	✓	

Commissioners

Dennis Croswell
President
Robert Nieldski
Secretary
Joanne Seche
Margaret Gruner
Harold Bonavita-Goldman



Steve Noble
Mayor

Judith A. Hansen
Superintendent

Kingston Water Department

PO Box 1537
Kingston, N.Y. 12402

December 21, 2017

Hon. James Noble, Jr.
 Common Council of the City of Kingston
 420 Broadway
 Kingston, NY 12401

Re: Request for Approval for Bond for Engineering Design for Cooper Lake Dam Rehabilitation Project

Dear President Noble:

In 2009, the New York State Department of Environmental Conservation promulgated dam safety regulations that requires dam owners to conduct a detailed engineering evaluation of their dam structures and bring them into compliance with current engineering factors of safety. In conformance with these requirements, the Board of Water Commissioners has completed the engineering evaluation and has determined that, while the dam is safe, it needs remediation to bring it into compliance with today's standards. Working with our consultants, the cost of the project has been estimated at about \$6 million dollars and does not include any increase in the capacity of the Reservoir.

The Board has submitted a schedule for this project to the NYS DEC that calls for project design to be done in 2018 so that construction can start in 2019 and be completed by 2020. The cost of design is \$800,000 and includes \$150,000 for pre-design geotechnical explorations and \$650,000 in design fees. At their meeting of December 20, 2017, the Board authorized me to request a bond in the amount of \$800,000 to cover the cost of this work. At a latter date, as the construction costs become refined, we will be requesting a bond for the balance of the project.

In advance, I thank you for your consideration of this matter. I look forward to meeting with you and the members of the Council's Finance Committee to answer questions and discuss the project.

Sincerely

Judith A. Hansen
Superintendent

Cc: Dennis Croswell, President
 Steve Noble, Mayor
 John Tuey, Comptroller

RESOLUTION 26 OF 2018

BOND ORDINANCE DATED FEBRUARY 6, 2018.

AN ORDINANCE AUTHORIZING DESIGN COSTS IN CONNECTION WITH THE COOPER LAKE DAM REHABILITATION PROJECT, IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$800,000, AND AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. Design costs in connection with the Cooper Lake Dam Rehabilitation Project, in and for the City of Kingston, Ulster County, New York, is hereby authorized at a maximum estimated cost of \$800,000.

Section 2. The plan for the financing thereof is by the issuance of \$800,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____

The ordinance was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

I, the undersigned Clerk of the City of Kingston, Ulster County, New York, DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 6th day of February, 2018.
- 2) That such meeting was a special regular (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERE TO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of February, 2018.

City Clerk

(CORPORATE SEAL)

BOND ORDINANCE

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at Common Council Chambers, City Hall, 420 Broadway, in said City, on the 6th day of February, 2018, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Alderman _____, who moved its adoption, seconded by Alderman _____, to wit:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
RECOMMENDING MODIFICATIONS TO THE 2017 CITY CLERK'S BUDGET

Sponsored by: Finance/Audit Committee
Aldermen Koop, Scott-Childress, Davis, Schabot, O'Reilly

WHEREAS, the City Clerk has requested budget modifications totaling \$125,000 to cover shortages in the Judgements and Claims account; and

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1: That the sum of \$125,000.00 be transferred as follows:

FROM:	A11990.5404	Contingency	\$25,000.00
	A1388902	Reserve for Risk Retention	<u>\$100,000.00</u>
			\$125,000.00
TO:	A11930.5401	Judgements and Claims	\$125,000.00

SECTION 2. That this resolution shall take effect immediately.

Submitted to the Mayor this _____
day of _____ 2018.

Approved by the Mayor this _____
day of _____ 2018.

CARLY WINNIE, CITY CLERK

STEVEN T. NOBLE, MAYOR

Financial Impact: \$25,000

Adopted by Council on February 6, 2018

CITY OF KINGSTON
Office of the City Clerk
Registrar of Vital Statistics
cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Carly J. Winnie, City Clerk/Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

November 28, 2017

Mr. James L. Noble
President, Common Council
420 Broadway
Kingston, NY 12401

Dear President Noble,

I respectfully request a budget transfer in the amount of \$125,000 to cover shortages in the Judgements and Claims account. The original amount allocated for this purpose was \$85,000, but we have had several significant deductible payments and judgements this year, some for incidents dating as far back as 2004.

Thank you for your attention to this matter.

Sincerely,

Carly Winnie
City Clerk

Cc: John Tuey, Comptroller
Doug Koop, Finance Chair

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT City Clerk DATE 11/28/17

Description: Recommend budget transfer in the amount of \$125,000 within the City Clerk's Budget to cover shortfalls in the Judgements & Claims account

FROM:	A11990.5404	Contingency	\$25,000.00
	A1388902	Reserve for Risk Retention	<u>\$100,000.00</u>
			\$125,000.00

TO:	A11930.5401	Judgements & Claims	\$125,000.00
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Estimated Financial Impact \$25,000

Signature

[Handwritten Signature]

Motion by SS

Seconded by RS-C

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
<i>DAKoop</i> Douglas Koop, Chairman	✓	
<i>Reynolds Scott-Childress</i> Reynolds Scott-Childress Ward 3	✓	
<i>Anthony Davis</i> Anthony Davis, Ward 6	✓	
<i>Steven Schabot</i> Steven Schabot, Ward 8	✓	
<i>Deborah Brown</i> Deborah Brown, Ward 9	✓	
<i>Patricia O'Reilly</i>		

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
RECOMMENDING APPROVAL FOR MODIFICATIONS
TO THE 2017 CIVIL SERVICE BUDGET

Sponsored by Finance/Audit Committee
Aldermen Koop, Scott-Childress, Davis, Schabot, O'Reilly

WHEREAS, the Civil Service Department has requested a transfer in the amount of \$1,350.00 to cover shortages in Regular Pay and Travel Reimbursement; and

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the sum of \$1,350.00 be transferred, as follows:

FROM:	A11430.5401	General Contract Exp	\$850.00
	A11430.5472	Contracted Services	\$500.00
TO:	A11430.5101	Regular Pay	\$500.00
	A11430.5461	Travel Reimbursement	\$850.00

SECTION 2. That this resolution shall take effect immediately.

Submitted to the Mayor this ____
day of _____, 2018.

Approved by the Mayor this ____
day _____, 2018.

CARLY WINNIE, CITY CLERK

STEVEN T. NOBLE, MAYOR

Adopted by Council on February 6, 2018

Financial Impact – \$0

CIVIL SERVICE BUD MOD

THE CITY OF KINGSTON COMMON COUCL

FINANCE AND ECONOMIC DEVELOPMENT
COMMITTEE REPORT

(b)

REQUEST DESCRIPTION

INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____	X
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____	
CLAIMS _____	ZONING _____	OTHER _____	

DEPARTMENT Civil Service DATE 12/11/2017

Alderman Noble,

I respectfully request the Council to approve a transfer of the 2017 budget.

Decrease the following accounts: A1143014 5401 General Contract by \$850.00

A1143014 ⁵⁴¹²5401 Contracted Services \$500.00

Increase the following accounts: A1143011 5101 Regular Pay by \$500.00

A1143014 5461 Travel Reimbursement by \$850.00

Estimated Financial Impact 0

Signature Jacqueline De Cicco

Motion by AD

Seconded by SS

Action Required:

SEQRA Decision

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>Yes</u>	<u>No</u>
<u>DAKoop</u> Douglas Koop, Ward 2 Chairman	✓	
<u>Reynolds Scott-Childress</u> Reynolds Scott-Childress, Ward 3	✓	
<u>Steven Schabot</u> Steven Schabot, Ward 8	✓	
<u>Deborah Brown</u> Deborah Brown, Ward 9	✓	
<u>Tony Davis</u> Tony Davis, Ward 6	✓	

RESOLUTION #29 of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, RECOMMENDING APPROVAL FOR MODIFICATIONS TO
THE 2017 WASTEWATER TREATMENT FACILITY BUDGET

Sponsored by Finance/Audit Committee
Aldermen Koop, Scott-Childress, Davis, Schabot, O'Reilly

WHEREAS, the Wastewater Treatment Facility has requested a budget transfer in the amount of \$2,405.77 to cover the payout of comptime; and

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the sum of \$2,405.77 be transferred as follows:

FROM:	G18130.5103	Overtime Expense	\$2,405.77
TO:	G18130.5108	Comp Time Payout	\$2,405.77

SECTION 2. That this resolution shall take effect immediately.

Submitted to the Mayor this _____
day of _____, 2018.

Approved by the Mayor this _____
day of _____, 2018.

CARLY WINNIE, CITY CLERK

STEVEN T. NOBLE, MAYOR

Adopted by Council February 6, 2018

Financial Impact - 0

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

7

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X
ZONING _____

TRANSFER _____
BONDING REQUEST X
OTHER _____

DEPARTMENT WWTF

DATE 12/15/17

Description

monies used to payout comp time

Estimated Financial Impact N/A

Signature

A. W. Lee

Motion by

AD

Seconded by

SS

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote

YES

NO

DA Koop

Douglas Koop, Chairman

Reynolds Scott-Childress

Reynolds Scott-Childress, Ward 3

Anthony Davis

Anthony Davis, Ward 6

Steven Schabot

Steven Schabot, Ward 8

Deborah Brown

Deborah Brown, Ward 9

Patrick O'Neil

✓

✓

✓

✓

✓

FROM:

TO:

G1-8130-11-5103 \$2,405.77 G1-8130-11-5108 \$2,405.77